



2022 STATEHOUSE REPORT

Session Overview

While many were ready to pivot to other important matters, the COVID-19 public health emergency remained a priority for lawmakers during the 2022 legislative session. The key priorities of the General Assembly focused primarily on what to do about the exceptionally large state budget surplus that triggered the automatic taxpayer refund and whether tax cuts were warranted as a result. Education issues were also center stage at the General Assembly, with the focus being on school corporation curriculum, procedures, and governance.

The largest legacy of COVID-19 in the legislature this year was HEA 1001, which limited the scope of private and public vaccine mandates and provided the necessary statutory framework for the Governor to end the COVID-19 public health emergency. This bill was happening concurrently with the U.S. Supreme Court decision to overturn large parts of and uphold other parts of the federal vaccine mandate. The final version of HEA 1001 was crafted to comply with the decision of the Supreme Court.

Many bills were authored to ensure school boards were meaningfully engaging with the public, both through public testimony at school board meetings and through curriculum development. Some of the bills targeting the procedures of local school board meetings initially were broad enough to also affect local meetings of city and town bodies. However, throughout the session those bills were narrowed to only affect school corporations and will not meaningfully change the requirements for meetings of city and town councils.

HEA 1002 was focused on tax cuts resulting from the state's very high revenue collections and budget surplus. Included in this bill was a provision that would have significantly impacted local government budgets, eliminating the minimum valuation (or 30% depreciation floor) on new Business Personal Property. It was Aim's top legislative priority to ensure that this significant reduction to the tax base did not occur without a sustainable, statewide replacement mechanism. Due to the tireless work of our members and a collaborative partnership with statehouse leadership, this provision did not move forward in HEA 1002.

Several of Aim's proactive legislative initiatives are coined operational initiatives. In 2022, we worked closely with lawmakers and saw success on several key items.

SEA 117 was an operational initiative stemming from an issue in northern Indiana where the name of a minor who was the victim of a crime was published publicly before the family could be notified. SEA 117 changes the law to allow the daily police logs, which are public record, to redact the name of victims of crimes who are under the age of 18.

HEA 1260 included an Aim legislative initiative that eliminates the rate trending for cumulative funds. This means that local governments will no longer have to go through the reestablishment process for cumulative funds every year there is a significant change in assessed value to maintain the same rate.

One initiative that did not move forward this year was an attempt to clean up the electronic meetings statute from last year. There are seven agenda items that cannot be voted on virtually in current law. Aim wanted to clarify that if these items were on a meeting agenda, the virtual participants

could abstain only from those votes and participate in the rest of the meeting electronically. However, this change got caught up in the other bills dealing with local meeting procedures and did not move forward this year.

In this Statehouse Report, you will find the collection of new laws that have municipal importance or impact sorted by category. The categories are outlined on the table of contents page. Some bills will appear multiple times because they fall under multiple categories. Most of the laws go into effect on July 1, 2022. However, some laws have alternate effective dates, including retroactivity and upon passage. 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, iga.in.gov.

We hope you will find the 2022 Statehouse Report to be a useful tool in learning about the multitude of new laws that were adopted 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. Our entire team and their contact information can be found at aimindiana.org.

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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Accelerate Indiana
Municipalities

2022 Administrative

HEA 1001, P.L. 1 - ADMINISTRATIVE AUTHORITY; COVID-19 IMMUNIZATIONS

Author: Messmer (R-Jasper)

Sponsor: Lehman (R-Berne)

Aim Comments:

HEA 1001, authored by Rep. Matt Lehman (R-Berne) and Sen. Mark Messmer (R-Jasper) was a priority bill for legislative leadership to address issues surrounding the pandemic. Included in the bill are multiple provisions that allowed the State of Indiana to continue receiving funds from the federal government after Governor Holcomb ended the state's emergency order, which he ultimately did. The legislation also clarifies the immunity passport language which passed last session to apply to all "Indiana governmental entities." Ultimately, the language still prevents a municipality from requiring employees to show an immunization passport.

The language also clarifies that an employer can only require vaccination if the employer offers three exemptions to employees, including medical and religious reasons or the employee has immunity from COVID-19 acquired from a prior infection with COVID-19.

- Allows the secretary of family and social services (secretary) to issue a waiver of human services statutory provisions and administrative rules if the secretary determines that the waiver is necessary to claim certain enhanced federal matching funds available to the Medicaid program.
- Allows the secretary to issue an emergency declaration for purposes of participating in specified authorized federal Supplemental Nutrition Assistance Program (SNAP) emergency allotments. Requires the secretary to prepare and submit any waivers or emergency declarations to the budget committee.
- Allows the state health commissioner of the state department of health or the commissioner's designated public health authority to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least five years old (current law limits the age for the commissioner's issuance of standing orders, prescriptions, and protocols for individuals who are at least 11 years old).
- Defines "Indiana governmental entity" and specifies that an Indiana governmental entity (current law refers to a state or local unit) may not issue or require an immunization passport. Provides that an individual is not disqualified from unemployment benefits if the individual has complied with the requirements for seeking an exemption from an employer's COVID-19 immunization requirements and was discharged from employment for failing or refusing to receive an immunization against COVID-19.
- Provides that an employer may not impose a requirement that employees receive an immunization against COVID-19 unless the employer provides individual exemptions that allow an employee to opt out of the requirement on the basis of medical reasons, religious reasons, or immunity from COVID-19 acquired from a prior infection with COVID-19.

HEA 1002, P.L. 138 - VARIOUS TAX MATTERS

Author: Brown (R-Crawfordsville)

Sponsor: Mishler (R-Bremen)

Aim Comments:

HEA 1002 was authored in response to very strong revenue growth at the state level that resulted in some of the highest reserves in decades, triggering Indiana's automatic taxpayer refund. The surplus also led the General Assembly to contemplate significant tax reductions for the state.

As introduced, HEA 1002 also included a reduction in the tax base for the Business Personal Property Tax (BPPT), proposing to eliminate the 30% minimum valuation (or depreciation floor) for business personal property on new property. Once fully phased in, this change would have reduced revenues

for local governments across Indiana by approximately \$103 million and would have shifted some of the tax burden to other taxpayers, including homeowners.

The final version of HEA 1002 did not include the elimination of the minimum valuation. Ensuring this change did not occur without a full statewide replacement mechanism for the lost revenue was Aim's top priority this session. We are grateful to our members who tirelessly worked with their legislators to communicate the potential impact of a BPPT reduction and to the willingness of the General Assembly to listen to that message.

The only change to the Business Personal Property Tax in the final version of HEA 1002 was allowing mini mills (steel mills outside of Lake County) to opt into Pool 5 for the BPPT, which has no minimum valuation. The businesses cannot opt in if it would impair bonds. The total loss to local governments from this change is up to \$4.5M. The majority of that is inside of TIFs where bond impairment is possible, therefore most of the predicted fiscal impact will not materialize.

The final version of HEA 1002 also includes an elimination of the utility receipts tax which currently applies to all utilities, including municipal utilities. Accompanying this change is a requirement that rates be adjusted to reflect the tax reduction. All municipal utilities will have to evaluate how the tax change can reduce their utility rates.

The other tax that was reduced was the individual income tax, phased down over the next several years as long as revenue growth remains strong and existing pension debt can be paid off. If these conditions are not met, the reduction in the income tax will be paused.

- Specifies that the amount of excess combined reserves that may be transferred to the pre-1996 account in 2022 may not exceed \$2,500,000,000.
- Reduces the individual adjusted gross income tax rate from 3.23% in 2022 to 3.15% in 2023 and 2024.
- Phases down the individual adjusted gross income tax rate after 2024 depending on certain conditions being met.
- Allows a taxpayer to elect a special property tax valuation method for mini-mill equipment. (Current law allows the method to be used only for certain integrated steel mill and oil refinery/ petrochemical equipment.)
- Repeals the utility receipts and utility services use taxes.
- Requires a utility that is subject to the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges to file a rate adjustment with the IURC that adjusts the utility's rates and charges to reflect the repeal of the utility receipts tax. Requires a utility that is subject to the utility receipts tax and not under the jurisdiction of the IURC to adjust the utility's rates and charges to reflect the repeal of the utility receipts tax.
- Requires each utility to provide notice to the utility's customers that the adjustment in rates and charges reflects the repeal of the utility receipts tax.
- Specifies taxpayer procedure for the repeal of the utility receipts and utility services use tax.
- Provides that the office of the secretary of family and social services may not enter into a final contract that would implement a risk based managed care program or capitated program for the specified Medicaid population before January 31, 2023. Makes conforming changes.

HEA 1004, P.L. 45 - DEPARTMENT OF CORRECTION

Author: Frye (R- Greensburg)

Sponsor: Koch (R-Bedford)

- Amends and updates certain terms involving direct placement in a community corrections program. Updates the definition of "community corrections program".
- Specifies that a court may suspend any portion of a sentence and order a person to be placed in a community corrections program for the part of the sentence which must be executed.

- Provides that a person placed on a level of supervision as part of a community corrections program:
 - (1) is entitled to earned good time credit;
 - (2) may not earn educational credit; and
 - (3) may be deprived of earned good time credit.
- Provides that when a person completes a placement program, the court may place the person on probation.
- Provides that a court may commit a person convicted of a Level 6 felony for an offense committed after June 30, 2022, to the department of correction (department), and that, consistent with current law, a court may commit a person convicted of a Level 6 felony for an offense committed before July 1, 2022, to the department only if certain circumstances exist.
- Establishes certain conditions of parole for a person on lifetime parole and makes the violation of parole conditions and commission of specified other acts by a person on lifetime parole a Level 6 felony, with an enhancement to a Level 5 felony for a second or subsequent offense.
- Provides that, for purposes of calculating accrued time and good time credit, a calendar day includes a partial calendar day.
- Makes conforming changes.

HEA 1034, P.L. 46 - TAX INCREMENT FINANCING

Author: Torr (R-Carmel)

Sponsor: Holdman (R-Markle)

Aim Comments:

HEA 1034 clarifies existing practice that liens on properties under taxpayer agreements have the same priority as normal property tax liens. It also adds marketing or advertising expenses for land in an allocation area to the eligible uses for TIF dollars.

This is a small change but does represent another step in the right direction regarding expansion of eligible uses for TIF funds for more flexible economic development purposes.

- Provides that a lien resulting from an agreement between a redevelopment commission (commission) and a taxpayer in an allocation area takes priority over any existing or subsequent mortgage, other lien, or other encumbrance on the property, and must have parity with a state property tax lien under IC 6-1.1-22-13.
- Provides that a lien resulting from a taxpayer agreement will have the priority of real property taxes and may be enforced and collected in all respects as real property taxes.
- Provides that a commission, or two or more commissions acting jointly, may contract for marketing and advertising of land located in an allocation area.
- Imposes a limitation on the amount available to be spent on the marketing and advertising of land in an allocation area.

HEA 1048, P.L. 112 - SHERIFF'S SALE IN MORTGAGE FORECLOSURE ACTION

Author: Eberhart (R-Shelbyville)

Sponsor: Mishler (R-Bremen)

- Allows the sheriff to conduct a public auction electronically. Prohibits certain persons and entities from purchasing a tract at a sheriff's sale.
- Requires each person bidding at a sheriff's sale to sign a statement containing a notice of the law and certain affirmations.
- Raises the amount that a sheriff can charge for administrative fees from \$200 to \$300. Makes a conforming amendment.
- Makes a technical correction.

HEA 1062, P.L. 113 - REGULATION OF CEMETERIES

Author: Zent (R-Angola)

Sponsor: Brown (R-Fort Wayne)

- Defines “certificate of burial rights” for purposes of the cemetery law.
- Replaces references to other instruments issued upon the purchase of burial rights with the term.
- Provides that before entering into a sales contract with a consumer, an owner of a cemetery must provide a written statement including a price range of all commodities and services available for purchase.
- Specifies that the schedule of fees and the fees charged in connection with the installation or use of commodities in a cemetery must be consistent with the statement provided to a consumer.
- Prohibits the pre-installation of a vault. Increases the maximum civil penalty for a violation of the cemetery association law from \$1,000 to \$5,000.
- Permits a city or town, county, and township to appoint a cemetery caretaker to control and manage cemeteries in the entity’s care.
- Establishes requirements for a city or town to appoint a cemetery caretaker through a proposed ordinance.
- Requires a city or town to review the status of the control and management of a cemetery for which it is responsible at least once every 10 years.

HEA 1075, P.L. 114 - COMMISSIONS AND COMMITTEES

Author: Pressel (R-Rolling Prairie)

Sponsor: Doriot (R-Goshen)

- Repeals the following:
 - (1) Indiana advisory commission on intergovernmental relations.
 - (2) Public highway private enterprise review board.
 - (3) Lake Michigan marina and shoreline development commission.
 - (4) Orange County development advisory board.
- Moves a definition from a statute being repealed.
- Requires the interim study committee on government to biennially make recommendations to the legislative council regarding:
 - (1) repeal of inactive groups; and
 - (2) continuation of membership in interstate compacts.
- Requires the salary matrices prescribed for certain officers of the state police department, alcohol and tobacco commission, department of natural resources, and the Indiana gaming commission to be reviewed and approved by the budget agency biennially in even-numbered years.
- Requires the justice reinvestment advisory council to report to the legislative council before November 1, 2022, regarding how to reduce the membership of an advisory board, with recommendations regarding membership of a community corrections advisory board, including how to reduce the membership of an advisory board.
- Changes the name of the Indiana commission to combat drug use to the Indiana commission to combat substance use disorder.
- Requires the services for individuals with intellectual and other developmental disabilities task force to make certain recommendations to the legislative council.
- Adds one member representing the Indiana Association of Rehabilitation Facilities to the 211 advisory committee.

HEA 1110, P.L. 116 - ANNEXATION OF RESIDENTIAL DEVELOPMENT

Author: Soliday (R-Valparaiso)

Sponsor: Charbonneau (R-Valparaiso)

- Allows a class three city to annex:
 - (1) a noncontiguous residential development; and
 - (2) the right of way of a public highway connecting the development to the city.
- Provides that annexation is initiated by:
 - (1) the homeowner's association board petitioning the city legislative body for annexation of the development; and
 - (2) the city legislative body adopting a resolution approving initiation of the annexation process.
- Requires the city to satisfy statutory requirements for annexation including adopting a written fiscal plan and annexation ordinance and conducting an outreach program.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.

HEA 1130, P.L. 116 - OPEN MEETINGS

Author: O'Brien (R-Evansville)

Sponsor: Buck (R-Kokomo)

Aim Comments:

During the pandemic, a concern emerged regarding the public's ability to attend and participate in local school board meetings. HEA 1130 seeks to add transparency to these school board meetings by requiring the board give the public the opportunity to comment on each agenda item.

HEA 1130 only applies to the governing body of a school corporation, but testimony was given in both the House and Senate Education committees that the provisions of the bill should go even further and extend these public comment requirements to county and municipal meetings. Aim will continue to monitor this in future sessions.

- Requires a governing body of a school corporation (school board) to allow each member of the public attending a meeting (attendee) the opportunity to provide oral public comment.
- Allows a school board to permit oral public comment at a public meeting that is conducted electronically during a state or local disaster emergency.
- Restricts the circumstances in which the governing body of a state or local public agency may hold a virtual meeting during a declared disaster emergency without any of the governing body members physically present.

HEA 1149, P.L. 49 - HOME BASED VENDORS

Author: Lehe (R-Brookston)

Sponsor: Leising (R-Oldenburg)

- Specifies the requirements for the preparation and sale of food products as a home-based vendor.
- Reorganizes provisions concerning the sale of certain food products by an individual vendor at a farmers' market or roadside stand.
- Requires an individual who sells poultry, rabbits, and eggs at a farmers' market or roadside stand to comply with certain requirements.
- Makes conforming changes.

HEA 1153, P.L. 160 - WORKER'S COMPENSATION

Author: Lehman (R-Berne)

Sponsor: Boots (R-Crawfordsville)

- Provides that if, after the occurrence of an accident, compensation is paid for temporary total

disability or temporary partial disability, then the two year limitation period to file an application for adjustment of claim begins to run on the last date for which the compensation was paid.

- Increases benefits for injuries and disablements by 3% each year for four years, beginning on July 1, 2023.
- Adds an ambulatory outpatient surgical center to the definition of “medical service facility” under the worker’s compensation law.
- Makes certain changes to the definition of “pecuniary liability”.
- Establishes clean claim payment requirements related to worker’s compensation claims.
- Removes outdated language.
- Makes conforming amendments.

HEA 1193, P.L. 72 - OPIOID LITIGATION

Author: Karickhoff (R-Kokomo)

Sponsor: Mishler (R-Bremen)

Aim Comments:

An estimated \$26 billion nationwide settlement was reached in litigation against manufacturer Janssen Pharmaceuticals, Inc., its parent company Johnson & Johnson, and the distributors McKesson, Cardinal Health, and Amerisource Bergen. The settlement provides funds to the states and their political subdivisions for abatement and remediation of the opioid crisis. Approximately \$12.1 billion will be distributed to the states based off population size and the impact of the opioid crisis as a base payment. An additional \$10.6 billion will be allocated as an incentive based on the participation of political subdivisions.

HEA 1193 changes the date by which an entity may opt back into the state’s opioid litigation settlement and removes certain requirements concerning the payment of costs, expenses, and attorney’s fees and costs that arose from the opioid litigation. The original opt in date was January 2, 2022 but has been changed to July 15, 2022.

The language also changes the basis by which the agency settlement fund distributes funds to cities, towns, and counties. It reduces the percentage of opioid litigation settlement funds distributed for use of statewide treatment, education, and prevention programs for opioid use disorder. The language also provides that 35% of opioid litigation settlement funds are to be distributed to cities, towns, and counties for programs for treatment prevention, and care that are best practices for opioid use disorder. For cities and towns who are set to receive a distribution amount under \$1,000, the distribution will go to the counties.

Funds received from the opioid settlement may not be distributed to a city, town, or county that has opted out of the settlement and that the remaining funds shall be distributed to the cities, towns, or counties that have opted into the settlement.

- Amends the deadline by which a political subdivision may opt back in to an opioid litigation settlement.
- Requires a political subdivision to submit a copy of the agreement executed between the political subdivision and the private legal counsel of the political subdivision when opting back into the opioid litigation settlement.
- Removes language providing that no political subdivision has any claim to any settlement proceeds for litigation against any opioid party not yet filed by the state as of a certain date.
- Removes certain requirements concerning the payment of costs, expenses, and attorney’s fees and costs arising from opioid litigation.
- Changes the basis by which the agency settlement fund distributes funds to cities, counties, and towns. Reduces the percentage of opioid litigation settlement funds distributed for use of statewide treatment, education, and prevention programs for opioid use disorder.

- Provides that 35% of opioid litigation settlement funds are to be distributed to cities, counties, and towns for programs for treatment, prevention, and care that are best practices for opioid use disorder.
- Provides that funds received from the opioid settlement may not be distributed to a city, county, or town that has opted out of the settlement and that the remaining funds shall be distributed to the cities, counties, or towns that have opted into the settlement.

HEA 1211 - STATE AND LOCAL ADMINISTRATION (VETOED)

Author: Teshka (R-South Bend)

Sponsor: Garten (R-Charlestown)

Aim Comments:

HEA 1211, authored by Rep. Jake Teshka (R-South Bend) and Sen. Chris Garten (R-Charlestown) initially dealt with Block Chain Technology. However, during the last day of session during Conference Committee, the bill was amended to include a requirement that any READI dollars being spent on broadband must be spent using the Next Level Connections requirements. Aim opposed this language because of concerns about the impact to current projects. Aim is supportive of the Next Level Connections program but limiting how READI dollars can be spent for broadband could slow down critical projects that have been planned for by regions across the state. Aim members support policies that allow for quicker access to broadband for both unserved and underserved communities.

Aim submitted a veto request letter to Governor Holcomb and the Governor did veto the bill for multiple reasons, including concerns about the broadband language. A summary of the vetoed bill is below for reference:

- Provided that not later than October 1, 2022, the department of administration (department), on behalf of the office of technology (office), shall issue a request for information for purposes of exploring how blockchain technology could be used by a state agency to:
 - (1) achieve greater cost efficiency and cost effectiveness; and
 - (2) improve consumer convenience, experience, data security, and data privacy.
- Required the office to compile a report concerning the request for information and submit the report to the legislative council in an electronic format not later than March 31, 2023. Defined "blockchain technology" and "distributed ledger technology".
- Required an agency to submit an emergency rule to the attorney general for review and approval before the emergency rule may take effect.
- Provided that emergency rules may not be effective for a period that exceeds 180 days.
- Provided that certain emergency rules expire not more than two years after the rule takes effect.
- Required an agency adopting an administrative rule to submit an economic impact statement and an explanation of any penalty, fine, or other similar negative impact included in the proposed rule to the publisher of the Indiana Administrative Code (publisher).
- Required the publisher to provide a copy of the materials concerning a proposed rule or pending read option to the members of the appropriate standing committee, the governor, and the office of management and budget.
- Provided that administrative rules expire on July 1 of the fourth year after the year in which the rule takes effect (instead of January 1 of the seventh year after the year in which the rule takes effect).
- Required an agency intending to readopt an administrative rule to provide to the publisher, not later than January 1 of the third year after the year in which the rule most recently took effect:
 - (1) notice of; and
 - (2) information concerning; the pending re-adoption.

- Required that all broadband infrastructure projects that are funded in whole or in part by a grant or loan from the regional economic acceleration and development initiative (READI) fund must satisfy the criteria and requirements as described in the rural broadband program.
- Made corresponding changes.

HEA 1214, P.L. 164 - RESIDENTIAL EVICTION ACTIONS

Author: Manning (R-Denver)

Sponsor: Koch (R-Bedford)

- Requires the plaintiff in a residential eviction action to file a motion to dismiss the action if the case is resolved between the parties at any time before final adjudication unless the plaintiff is seeking damages.
- Provides that if, at any time after an eviction action is filed, no action has been taken by the plaintiff to further prosecute the case for a period of at least 180 days, the court shall send to the parties written notice:
 - (1) stating the date of the most recent action taken by the plaintiff in the case; and
 - (2) directing the plaintiff to take action to either:
 - (A) further prosecute the case; or
 - (B) dismiss the case; not later than 10 business days after the date of the notice.
- Provides that if the plaintiff fails to take any action within the prescribed time:
 - (1) the defendant may petition the court to dismiss the case; or
 - (2) the court on its own motion may dismiss the case.
- Provides that a residential eviction diversion program may not be offered or operated on a statewide or local basis unless participation in the program is voluntary for all parties.
- Requires:
 - (1) the Indiana housing and community development authority; and
 - (2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the COVID-19 pandemic; to create a designated landlord application process, in addition to the tenant application process, not later than August 31, 2022.
- Requires, upon motion of the tenant, the court in which an eviction action is filed to order the clerk of the court and the operator of any state, regional, or local case management system not to disclose or permit disclosure of any records in the case, subject to certain exceptions, if any of the following occur:
 - (1) The action is dismissed.
 - (2) A judgment in favor of the tenant is entered.
 - (3) A judgment against the tenant is later overturned or vacated on appeal.
- Provides that if:
 - (1) an eviction action, regardless of when it was filed, results in one of the specified outcomes allowing for the nondisclosure of records in the action; and
 - (2) the court does not issue an order prohibiting the disclosure of any records in the action; the tenant in the action may petition the court in which the eviction action was filed to issue an order prohibiting the disclosure of any records in the action in accordance with the bill's provisions.
- Provides that upon the filing of such a petition, the court may:
 - (1) issue an order prohibiting the disclosure of any records in the action; or
 - (2) set the matter for a hearing.
- Provides that the petitioner bears the burden of proof in any hearing set by the court.
- Requires the clerk of court or other court administrator to:
 - (1) track all eviction actions with respect to which a nondisclosure order is issued by the court; and
 - (2) furnish the data compiled in the statutorily required statistical data provided to the office of judicial administration (office), as prescribed by the office.
- Requires the office to include the data provided by the courts in the Indiana Judicial Report.

HEA 1226, P.L. 120 - SOLID WASTE MATTERS

Author: Speedy (R-Indianapolis)

Sponsor: Messmer (R-Jasper)

- Establishes the central Indiana waste diversion pilot project (pilot project).
- Requires the department of environmental management to:
 - (1) develop pilot project application forms;
 - (2) make the forms available on or before July 1, 2022;
 - (3) accept applications through October 1, 2022; and
 - (4) provide recommendations to the Indiana recycling market development board (board) on or before December 1, 2022.
- Requires the board to award not more than \$4,000,000 in total to applicants chosen to participate in the pilot project.
- Limits the pilot project to Marion County.
- Amends the definition of “solid waste” to exclude materials that are used in creating a product and that meet other conditions.
- Provides that:
 - (1) a transfer station or treatment, storage, or disposal facility that holds a permit to handle hazardous waste may also handle solid waste;
 - (2) solid waste that is managed at a transfer station or a treatment, storage, or disposal facility shall not be allowed to come into direct contact with hazardous waste, and any solid waste that does come into direct contact with hazardous waste shall then be managed as hazardous waste; and
 - (3) the environmental rules board (rules board) shall amend 329 IAC 11 to conform to these provisions.
- Requires the rules board to expeditiously adopt by rule all waste regulation exemptions or exclusions as that are adopted by the United States Environmental Protection Agency (EPA) and set forth in the federal rule on the identification and listing of hazardous waste.
- Provides that until certain federal rule amendments that were adopted by the EPA on May 30, 2018, are adopted by the rules board, those amendments apply to the identification and listing of hazardous waste in Indiana just as if the amendments were already incorporated by reference into the rules of the rule board on the identification and listing of hazardous waste.
- Provides that:
 - (1) the disposal of non-hazardous coal mining waste and coal combustion residuals at a surface coal mining facility; and
 - (2) the use of coal combustion residuals as raw material for manufacturing another product or for eight other particular uses; are not subject to regulation under the solid waste rules.
- Makes corresponding changes.

HEA 1246, P.L. 95 - FIRE PROTECTION TERRITORIES AND LOCAL INCOME TAXATION

Author: Lehe (R-Brookston)

Sponsor: Buchanan (R-Lebanon)

Aim Comments:

HEA 1246 provides a procedure for fire protection territories to apply for a maximum levy increase if they have significant population growth. Typically, this has been done legislatively on a one-off basis, but this bill provides a process for all appeals moving forward.

HEA 1246 also exempts newly formed fire protection territories from existing allocation areas so that all of the levy for fire protection is actually collected for fire protection. This mirrors existing procedures for fire protection districts.

Language in this bill also allows county governments that provide the EMS services for all the units in the county to levy an additional 0.2% LIT rate dedicated to EMS services.

- Provides that a fire protection territory that experiences more than 6% population growth during a 10 year period may increase its maximum property tax levy for 2023 or any year thereafter by an amount based on the population growth that exceeds 6%.
- Provides, however, that the fire protection territory 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 territory area within a 10 year period.
- Allows a total tax rate levied upon the formation of a fire protection territory established after December 31, 2022, to be implemented over a number of years, not exceeding five, and subject to review and approval by the department of local government finance.
- Provides that a participating unit's proceeds of property taxes imposed to meet the participating unit's obligations to a fire protection territory are exempt from areas needing redevelopment, redevelopment project areas, urban renewal project areas, economic development areas, or economic development districts established after December 31, 2021.
- Provides that, in the case of counties that provide emergency medical services for all local units in the county and pay 100% of the costs to provide those services, the fiscal body of the county may adopt an ordinance to impose a local income tax (LIT) rate for emergency medical services in the county.
- Provides that the tax rate may not exceed 0.2%. Provides that the LIT revenue shall be distributed directly to the county before the remainder of the expenditure rate revenue is distributed and must be deposited in a dedicated fund to be used only for paying for operating costs incurred by the county for emergency medical services that are provided throughout the county.
- Provides that the tax rate may not be in effect for more than 25 years.

HEA 1260, P.L. 174 - DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Author: Leonard (R-Huntington)

Sponsor: Bassler (R-Washington)

Aim Comments:

HEA 1260 was introduced as the annual Department of Local Government Finance (DLGF) bill, which includes many provisions related to local government finance. This year there are several that affect Aim members.

For the past several years, both Aim and ILMCT have included in their legislative initiatives a desire to eliminate the rate trending for cumulative funds. HEA 1260 removes the rate trending for the remaining funds that still trended. This means that changes in AV will no longer trigger rate changes in cumulative funds and local units will not have to go through the process of reestablishing the rates annually to maintain the same rate from year to year.

HEA 1260 also updates Indiana Board of Tax Review (IBTR) procedures in response to the South Lake Mall case. In that case, it was ruled that if the initial assessment does not match the appraisal presented to IBTR exactly during a property tax appeal, the assessment must revert to the prior year assessment (a ruling in favor of the taxpayer appealing). The change in HEA 1260 allows the appraisal presented by IBTR to be used as the basis of the final true tax value which can be different from the prior year assessment or the assessment initially made by the local assessor. This change is a positive step in dealing with chronic appeals of large, commercial properties.

- Specifies provisions for federal economic stimulus funds.
- Provides that, unless specifically granted authority by a statute passed by the general assembly, the state lottery commission and Indiana gaming commission shall not, independently or by public-private partnership, operate or authorize the use or operation of particular games and sales over the Internet.
- Specifies certain exceptions.
- Provides that certain churches and religious societies are not required to file a personal property

tax return.

- Provides that a county assessor shall provide electronic access to property record cards on the county's official Internet web site.
- Repeals the mortgage deduction for assessments beginning January 1, 2023. Increases the homestead deduction from \$45,000 to \$48,000 for assessments beginning January 1, 2023.
- Provides that with regard to a rehabilitation or redevelopment project in an economic revitalization area within an excluded city, that when the designating body:
 - (1) receives a formal request for a tax abatement or incentive; or
 - (2) issues an offer letter for a tax abatement or incentive; the designating body must provide written notice to the excluded city.
- Requires a local assessor to notify the department of local government finance (DLGF) of all new fixed property owned or used by a public utility company that the local assessor will begin assessing and the date on which the assessments will begin.
- Requires the DLGF to notify a company if any of the company's property that was previously assessed by the DLGF will instead be assessed by the township assessor, or the county assessor if there is not a township assessor for the township.
- Provides that the county assessor may exempt designated infrastructure development zone broadband assets, including assets located in a designated infrastructure development zone of a centrally assessed telephone company or cable company.
- Provides that the authority of a property tax assessment board of appeals (county board) is not limited to review the ongoing eligibility of a property for an exemption.
- Provides timing clarifications for property tax deductions for taxpayers who are over age 65 or who are disabled veterans, and for the over age 65 circuit breaker credit.
- Provides that the assessor shall provide a report to the county auditor describing any physical improvements to the property.
- Increases the maximum assessed value of the real property for an individual at least 65 years of age to be eligible for a deduction from \$200,000 to \$240,000.
- Defines the term "taxpayer" for purposes of the procedures for review and appeal of assessments and corrections of errors.
- Modifies the burden of proof standard in an appeal to provide that an assessment as last determined by an assessing official or the county board is presumed to equal a property's true tax value until rebutted by evidence presented by the parties, unless the property's assessment increased by more than 5%, in which case the assessor has the burden of proof.
- Provides that a county auditor shall submit a certified statement to the DLGF not later than September 1 in a manner prescribed by the DLGF.
- Provides for maximum property tax levy increases for Otter Creek Township in Vigo County and Sugar Creek Township Fire Protection District in Vigo County.
- Provides for a one-time maximum property tax levy increase for Howard County.
- Specifies certain dates with regard to the adjustment of maximum tax rates after a reassessment or annual adjustment. For reports filed by county boards with the DLGF, changes the requirement for the total number of "notices" to be filed to the total number of "appeals" to be filed. Requires additional information to be filed in such reports.
- Provides that the term "tax representative" does not include an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted temporary admission to the Indiana bar in order to represent a party before the property tax assessment board of appeals or the DLGF.
- Provides that the DLGF may not review certain written complaints if such a complaint is related to a matter that is under appeal.
- Repeals a provision in current law that provides that a taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds 20% of the total assessed value of all taxable property in the county on that date.

- Provides that for certain airport development zones and allocation areas established after June 30, 2024, “residential property” refers to the assessed value of property that is allocated to the 1% homestead land and improvement categories in the county tax and billing software system, along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property.
- Provides formulas for school corporations that propose to impose property taxes under a referendum tax levy. Provides that the property tax rate imposed under the provision for the public safety officers survivors’ health coverage cumulative fund is exempt from the adjustment of maximum tax rates after reassessment or annual adjustment.
- Changes the sunset provision for pro bono legal service fees from July 1, 2022, to July 1, 2025.
- Allows a county surveyor to send relocation requirements for a proposed regulated drain by either registered mail or certified mail (current law requires the relocation requirements be sent by registered mail).
- Amends SECTION 9 of HEA 1001-2022 by adding language indicating that certain COVID-19 tests be “approved, cleared, or authorized” by the FDA as opposed to just “approved” as passed in HEA 1001-2022.
- Repeals various property tax provisions.
- Makes conforming changes.

HEA 1262, P.L. 97 - OUTDOOR ADVERTISING SIGNS

Author: Cherry (R-Greenfield)

Sponsor: Crider (R-Greenfield)

- Establishes procedures for the valuation of an outdoor advertising sign that cannot be elevated or relocated to a conforming location within the market area due to a change along the interstate and primary system or any other highway.
- Requires the Indiana department of transportation to provide written notice to the representative of a sign owner that a project has been planned that may impact the sign at least 12 months prior to the filing of an eminent domain action for the sign.
- Provides that an owner is entitled to full and just compensation for the taking of a sign in the amount of the fair market value of the interests associated with the sign.
- In Marion County, allows the:
 - (1) board of directors (board) of an agricultural fair society, association, or corporation; or
 - (2) the county legislative body; that owns or operates a county fairgrounds to place one digital billboard at a location on the county fairgrounds selected by the board.

HEA 1285, P.L. 169 - REDISTRICTING LOCAL ELECTION DISTRICTS

Author: Teshka (R-South Bend)

Sponsor: Rogers (R-Granger)

- Provides that redistricting election districts for local and school board offices must occur at certain times.
- Removes a provision that limited the number of school board members that may reside in the same school board district for the Indianapolis public school board.
- Changes the entity that establishes the Indianapolis public school districts within the school city from the Indiana state board of education to the board of school commissioners.
- Removes the discretionary ability of political subdivisions to redistrict election districts at times other than those required by statute.
- Allows for additional time for redistricting after the 2020 decennial census.
- Consolidates certain local redistricting statutes in the same location.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.
- Repeals obsolete statutes and makes other conforming changes.

HEA 1286, P.L. 37 - REQUEST FOR PROPOSALS FOR SOLID WASTE CONTRACTS

Author: Carbaugh (R- Fort Wayne)

Sponsor: Busch (R-Fort Wayne)

- Authorizes a town or a city other than Indianapolis to enter into a contract for the collection and disposal of solid waste through a request for proposals process instead of an invitation for bids process.
- Establishes a request for proposals procedure under which a town or a city other than Indianapolis may enter into a contract for the collection and disposal of solid waste.

HEA 1296, P.L. 175 - FIREARMS MATTERS

Author: Smaltz (R- Auburn)

Sponsor: Koch (R-Bedford)

- Repeals the law that requires a person to obtain a license to carry a handgun in Indiana.
- Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana.
- Prohibits certain individuals from knowingly or intentionally carrying a handgun.
- Creates the crime of “unlawful carrying of a handgun” and specifies the penalties for committing this crime.
- Allows particular individuals who do not meet the requirements to receive a handgun license and are not otherwise prohibited to carry a handgun in limited places.
- Allows a resident of Indiana to obtain in certain circumstances a license to carry a handgun in Indiana.
- Makes theft of a firearm a Level 5 felony.
- Defines certain terms.
- Makes conforming amendments and repeals obsolete provisions.

HEA 1351, P.L. 171 - DISCLOSURE OR NOTIFICATION OF DATA BREACH

Author: Carbaugh (R-Fort Wayne)

Sponsor: Busch (R-Fort Wayne)

- Adds a requirement that disclosure or notice must occur not more than 45 days after the discovery of a breach.

SEA 37, P.L. 104 - POPULATION PARAMETERS

Author: Ford, Jon (R-Terre Haute)

Sponsor: Karickhoff (R-Kokomo)

- Amends various statutes to update population parameters for political subdivisions based on the 2020 decennial census.
- Updates multipliers that are based on a county’s population and used in determining distributions made by the department of correction to county misdemeanor funds.
- Removes language providing that changes to boundaries of certain political subdivisions may not take effect during the year immediately before the year a federal decennial census is conducted.
- Makes conforming amendments.
- Makes technical corrections.

SEA 62, P.L. 123 - SALE OF TAX SALE PROPERTIES TO NONPROFITS

Author: Young (R-Indianapolis)

Sponsor: Moed (D-Indianapolis)

- Permits a county treasurer in a county having a consolidated city to offer for sale a tract or item of real property on the county auditor’s tax sale list:
 - (1) that is not used as a person’s principal place of residence and receiving a homestead standard deduction for the most recent assessment date;

- (2) that is unsold after two or more public sales; and
- (3) for which a set off has not been obtained against the delinquent debt owed on the real property; to an eligible nonprofit entity prior to a regularly scheduled tax sale.
- Provides that not more than 5% of the real property on the tax sale list may be sold to eligible nonprofit entities.
- Requires an eligible nonprofit entity to file certain information with the county executive not later than 45 days prior to the tax sale in order to participate in an early sale.
- Requires, before January 1, 2023, and before each January 1 thereafter, the county executive to provide an annual report to the legislative council concerning the sale of tax sale properties to eligible nonprofit entities.

SEA 74, P.L. 50 - PREFERENCES IN PUBLIC WORKS AND PUBLIC PURCHASING

Author: Boots (R-Crawfordsville)

Sponsor: Morris (R-Fort Wayne)

- Provides that a manufacturing business, defined as a business that processes raw materials or parts into finished goods, is not a small business if it employs more than 100 persons or if its annual sales for its most recently completed fiscal year exceed \$4,000,000.
- Provides that any state agency that purchases goods, supplies, or services for the state must report by October 1 of each year to the budget committee the amount of Indiana business and Indiana small business preferences granted in the agency's procurement of goods, supplies, or services for the state.

SEA 76, P.L. 6 - MEET AND CONFER FOR PUBLIC SAFETY EMPLOYEES

Author: Boots (R-Crawfordsville)

Sponsor: Frye (R- Greensburg)

Aim Comments:

SEA 76 allows either a public safety employer or employee to request a nonbinding, advisory opinion from the commissioner of the Department of Labor regarding an employment dispute. Either the employer or employee may request an opinion from the commissioner in writing and the commissioner of labor may decide to not hear the dispute, appoint an intermediary to hear the dispute, and/or make a nonbinding recommendation. Requests for advisory opinions from the commissioner are limited to not more than one per year for each party. Administrative costs for the meetings, advisory opinion, and mediation are to be split and paid equally between the employer and the representative of the employee(s).

- Allows an employer or an exclusive recognized representative of full-time employees of a police or fire department (exclusive representative) to request, in specified circumstances, an advisory opinion from the commissioner of labor (commissioner).
- Specifies a process by which an employer or exclusive representative may appeal in certain instances to the commissioner to request mediation and conciliation.
- Makes technical corrections and a conforming amendment.

SEA 78, P.L. 85 - 1977 PENSION AND DISABILITY FUND

Author: Boots (R-Crawfordsville)

Sponsor: Frye (R- Greensburg)

Aim Comments:

SEA 78 was the product of an interim study committee held by the Pension Management Oversight Committee. The legislation provides enforcement teeth to INPRS to ensure individual police officers and firefighters who should be in the 1977 Fund but for one reason or another are not participating in the fund are moved into the fund. If INPRS determines a police officer or a firefighter should have been a member of the '77 fund instead of PERF, they will make the change and require the employer

to contribute the amount that the INPRS board determines is necessary to fully fund the employee's service credit in the '77 fund for the years of service earned in PERF.

This legislation could result in more individuals being placed into the '77 Fund which would result in municipal employers paying higher employer contributions for these police and firefighter employees. For CY 2022, the employer contribution rate for PERF is 11.2% of wages compared to the '77 Fund which is 17.5% of wages.

- Provides that after July 1, 2022, if the board of trustees of the Indiana public retirement system (system board) determines that a new police officer or firefighter in the public employees' retirement fund (PERF) should be a member of the 1977 fund, the system board shall require the employer to transfer the member into the 1977 fund and contribute the amount that the system board determines is necessary to fund fully the member's service credit in the 1977 fund for all service earned as a police officer or firefighter in PERF.
- Provides that a police officer or firefighter who is an active member of the 1977 fund with an employer that participates in the 1977 fund, separates from that employer, and more than 180 days after the date of the separation becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund, is a member of the 1977 fund without meeting the age limitations under certain circumstances. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

SEA 83, P.L. 124 - OPEN MEETINGS

Author: Leising (R-Oldenburg)

Sponsor: Behning (R- Indianapolis)

Aim Comments:

During the pandemic, a concern emerged regarding the public's ability to attend and participate in local school board meetings. SEA 83 seeks to add transparency to these school board meetings by requiring the board give the public the opportunity to comment on each agenda item.

SEA 83 only applies to the governing body of a school corporation, but testimony was given in both the House and Senate Education committees that the provisions of the bill should go even further and extend these public comment requirements to county and municipal meetings. Aim will continue to monitor this in future sessions.

- Requires a governing body of a school corporation or charter school to permit oral public comment on a topic before the governing body takes final action on the topic.
- Allows the governing body of a state or local public agency to conduct a meeting electronically without any governing body members physically present if a state or local disaster emergency is declared and the following circumstances exist:
 - (1) Meeting in person would present an imminent risk to the health or safety of the governing body and public.
 - (2) In the case of a governing body of a school corporation or charter school, in addition to the presence of the circumstances described in (1), at least one school within the jurisdiction of the school corporation or charter school is closed because of the disaster emergency.
- Adds a definition of "charter school" for purposes of the open door law that includes a virtual charter school.

SEA 85, P.L. 7 - DRAINAGE TASK FORCE

Author: Leising (R-Oldenburg)

Sponsor: Lehe (R-Brookston)

- Establishes a drainage task force consisting of six members of the senate, six members of the house of representatives, and seven other individuals.

- Requires the task force to:
 - (1) review the responsibilities of landowners and state and local authorities under current laws relating to the drainage of land;
 - (2) make certain determinations concerning drainage and regulatory matters; and
 - (3) determine whether the balance between state authority and local authority over drainage of agricultural land favors state authority more in Indiana than in neighboring states.
- Authorizes the task force to make recommendations. Requires the task force to issue a report and, not later than December 1, 2023, submit the report to the executive director of the legislative services agency for distribution to the members of the general assembly and to the governor.

SEA 117, P.L. 86 - POLICE LOG INFORMATION

Author: Walker, K (R-Lawrence)

Sponsor: Bartels (R-Eckerty)

Aim Comments:

SEA 117 protects the identity of a victim under the age of 18 from being released through publicly accessible police daily logs without first receiving consent from the minor victim's legal guardian. This piece of legislation was one of Aim's legislative initiatives this session. It stemmed from a situation where a minor victim's name and age was published in a local newspaper before the victim's family was notified.

The previous law required the identity of victims be disclosed in the daily police log unless they were a victim of human trafficking or a sexually violent crime. SEA 117 expands this exception to public disclosure to protect the confidentiality of victims under the age of 18 of crimes or delinquent acts.

- Provides that certain information contained in a daily log of a law enforcement agency relating to the victim of a crime or delinquent act who is less than 18 years of age may not be disclosed by a public agency without the consent of the child's parent, guardian, or custodian, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery.
- Provides that the information may be disclosed to the department of child services.
- Provides that a law enforcement agency shall maintain a daily log or record that lists suspected or investigated crimes, accidents, or complaints. (Current law provides that a law enforcement agency shall maintain a daily log or record that lists suspected crimes, accidents, or complaints.)
- Prohibits, after June 30, 2023, the broadcast of a Social Security number by police radio unless the broadcast is encrypted.

SEA 119, P.L. 8 - TAXATION OF FARM PROPERTY

Author: Niemeyer (R-Lowell)

Sponsor: Bartels (R-Eckerty)

- Makes new farm equipment and new agricultural improvements eligible for local tax abatement using the same procedures for tax abatement under current law for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment, or redevelopment and rehabilitation in the case of new agricultural improvements.
- Limits an abatement schedule for new farm equipment and new agricultural improvements to not more than five years.
- Specifies how agricultural improvements shall be assessed for tax purposes.

SEA 134, P.L. 87 - APPROPRIATION OF DONATED MONEY

Author: Brown (R-Fort Wayne)

Sponsor: Leonard (R-Huntington)

- Adds language specifying that a political subdivision that conducts or administers an election may not accept private money donations to prepare, administer, or conduct elections or to employ individuals on a temporary basis for preparing, administering, or conducting elections, including registering voters.
- Requires all state agencies to submit to the budget agency a report of each individual state employee employed by the state agency whose salary is funded in whole or in part from donated money.
- Provides that if the donation of money is to the secretary of state, the report shall specify whether the money was or will be distributed to political subdivisions for preparing, administering, or conducting elections, and, if so, the specific types of uses for which the donated money will be used by those political subdivisions.
- Requires the budget agency to annually submit to the budget committee a report of the information that specifies and identifies each individual state employee whose salary is funded in whole or in part from donated money, which must be posted and made available on the Indiana transparency portal.
- Requires all local units of government to submit to the state board of accounts (SBA) a report of each individual local unit of government employee employed by the local unit of government whose salary is funded in whole or in part from donated money.
- Requires the SBA to annually submit to the budget committee a report of the information that specifies and identifies each individual local unit of government employee whose salary is funded in whole or in part from donated money, which must be made available to the public.
- Defines "local unit of government" for purposes of the reporting requirement. Specifies that the term does not include hospitals.

SEA 139, P.L. 53 - MANUFACTURED HOUSING IN MOBILE HOME COMMUNITY

Author: Doriot (R-Granger)

Sponsor: Miller (R-Elkhart)

Aim Comments:

SEA 139 prevents a municipality from restricting or regulating an installation of a mobile home, manufactured home, or industrialized residential structure within an existing mobile or manufactured home community. The legislation also allows an individual who owns a nonconforming mobile home, manufactured home, or industrialized residential structure to replace the nonconforming structure if it has been damaged or destroyed.

As introduced, the language in the bill was much broader and would have prevented a municipality from restricting or regulating one of these homes from being placed anywhere in the community. Aim was able to successfully work alongside the author of the bill to narrow the language and limit the impact to existing mobile and manufactured housing communities.

- Prohibits a governmental body from regulating or restricting the installation of a mobile home, manufactured home, or industrialized residential structure within a mobile home community based on the age or size of the mobile home, manufactured home, or industrialized residential structure, regardless of whether:
 - (1) the mobile home, manufactured home, or industrialized residential structure; or
 - (2) the lot on which, or the mobile home community in which, it is or will be located or installed; constitutes a conforming structure or use, or a legal, nonconforming structure or use.
- Provides that after March 14, 2022:
 - (1) a unit may not adopt, impose, amend, or enforce a regulation, or a provision in a regulation, that violates this prohibition, regardless of when the regulation or provision was originally

- adopted or imposed; and
 - (2) any provision that:
 - (A) is included in a regulation adopted or imposed by a unit; and
 - (B) violates this prohibition; is void and unenforceable regardless of when the regulation or provision was originally adopted or imposed.
- Prohibits a unit from adopting, imposing, or enforcing a regulation that mandates size requirements for, or that is based on the age of, a mobile home, a manufactured home, or an industrialized residential structure that will be installed in a mobile home community, regardless of whether the mobile home community, or any part of the mobile home community, constitutes:
 - (1) a conforming structure or use; or
 - (2) a legal, nonconforming structure or use.
- Provides that after March 14, 2022:
 - (1) a unit may not adopt, impose, amend, or enforce a regulation, or a provision in a regulation, that violates this prohibition, regardless of when the regulation or provision was originally adopted or imposed; and
 - (2) any provision that:
 - (A) is included in a regulation adopted or imposed by a unit; and
 - (B) violates this prohibition; is void and unenforceable regardless of when the regulation or provision was originally adopted or imposed.
- Provides that a mobile home community operator who attempts to exclude an owner with the intent to evade the requirement that the operator provide notice not less than 180 days before the date of an intended closure commits a deceptive act that is actionable by the attorney general.
- Amends the statute concerning the reconstruction of nonconforming structures to provide that whenever a legal, nonconforming structure, including:
 - (1) a mobile home;
 - (2) a manufactured home; or
 - (3) an industrialized residential structure; on a parcel of real property used for residential purposes in a mobile home community is removed, the owner of the parcel shall be permitted to replace the structure without losing the status of the structure or parcel as a legal, nonconforming structure or use if the replacement meets the existing statutory requirements.
- Provides that these provisions concerning the continuing status of the structure or parcel in a mobile home community as a legal, nonconforming structure or use apply after March 14, 2022, regardless of whether:
 - (1) the structure or parcel is conferred status as a legal, nonconforming structure or use; or
 - (2) the legal nonconforming structure is:
 - (A) damaged, destroyed, or removed; or
 - (B) reconstructed, renovated, repaired, or replaced; before or after March 15, 2022.

SEA 145, P.L. 54 - PROPERTY TAX MATTERS

Author: Buchanan (R-Lebanon)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 145 represents the culmination of years of efforts to solve the “dark box” problem, or the chronic tax appeals by large, commercial retailers based on the fact that it is difficult to find comparable sales for these properties.

To solve this problem, SEA 145 requires that the cost method, a method that uses the cost of construction less normal depreciation, be used for the first 5 years of assessment of newly constructed

commercial buildings over 100,000 sqft. If actual cost data is not available, the assessor can use statewide DLGF cost tables.

This should limit tax appeals on these properties and put more AV back on the tax rolls, lowering tax cap losses and tax shifts to other taxpayers.

- Provides that the true tax value of commercial real property commercial property with a structure, or a portion thereof, that:
 - (1) is at least 100,000 square feet in area;
 - (2) is used for retail purposes; and
 - (3) is occupied by a single retailer; shall be determined by application of the cost approach.
- Provides that the application of the cost approach requirement is not applicable if the property was:
 - (1) vacated by the original occupant for which the property was constructed;
 - (2) constructed more than five years prior to the assessment date; or
 - (3) substantially and adversely impacted by a change in a roadway or traffic pattern.
- Provides that estimates of depreciation and obsolescence shall not be based on data derived from the sales comparison or income capitalization approaches.
- Requires the department of local government finance (department) to establish a standard construction cost per square foot for the purpose of applying the cost approach.
- Requires the department to update the standard construction cost per square foot annually.
- Provides that when requesting a review, a taxpayer may present an appraisal based on the cost approach as evidence that the actual construction cost was lower than the department's determined standard construction cost per square foot that was used to assess the property.
- Provides that the parties to any appeal may enter into a written agreement to stipulate to the true tax value of the property.
- Provides that the fiscal officer of the county may establish a separate account for the tax receipts that are attributable to the property tax assessment that is the subject of review.

SEA 163, P.L. 56 - TOWN FISCAL MANAGEMENT

Author: Young (R-Indianapolis)

Sponsor: Steuerwald (R-Avon)

- Changes the population point that distinguishes a second class city from a third class city from 35,000 to 34,000.
- Authorizes a town with a population of more than 34,000 to create the office of town controller, appointed by the town legislative body.

SEA 245, P.L. 58 - STATEWIDE SPORTS AND TOURISM BID FUND

Author: Walker, K (R-Lawrence)

Sponsor: Heine (R-New Haven)

- Establishes the statewide sports and tourism bid fund (fund) to provide funding for the purpose of organizing and holding sports and tourism events in Indiana.
- Provides that the Indiana destination development corporation (IDDC) shall administer the fund.
- Requires the IDDC to distribute to the Indiana Sports Corporation a grant amount equal to the amount appropriated by the general assembly to the fund.
- Provides that the Indiana Sports Corporation shall manage the funds in accordance with the general laws of the state relating to the handling of public funds.
- Requires that the Indiana Sports Corporation ensure that not less than 30% of the money received by the Indiana Sports Corporation each biennium is used for events that are conducted outside of Marion County.
- Authorizes the Indiana Sports Corporation to award grants to other eligible entities for the purpose of organizing and holding an event in Indiana.

- Requires the Indiana Sports Corporation to annually report to the budget committee on the use of the money received from the fund.

SEA 263, P.L. 89 - EVIDENCE PRESERVATION REQUIREMENTS

Author: Doriot (R-Goshen)

Sponsor: Steuerwald (R-Avon)

- Establishes additional requirements for the disposition of property held as evidence that may contain biological evidence related to an offense, including matters involving post-conviction DNA testing and analysis.

SEA 272, P.L. 18 - WASTEWATER INFRASTRUCTURE

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

Aim Comments:

SEA 272, authored by Sen. Eric Koch (R-Bedford) and Rep. Ed Soliday (R-Valparaiso), includes multiple provisions stemming from the Wastewater Taskforce which met prior to the start of the 2022 legislative session. Similar to the framework created for road funding in 2017, this bill creates a framework to assess infrastructure throughout the state in partnership with Purdue University. It clarifies that a local community must have an asset management plan to apply for loans from the state. It also designates the Indiana Finance Authority (IFA) as the executive branch coordinator for all funds related to drinking water, wastewater, or storm water infrastructure and systems.

The legislation also outlines a three-step process by which failing utilities, including municipally owned utilities, may enter receivership by the IURC after receiving enforcement actions from IDEM. The language was amended in committee to ensure this process only applies to enforcement actions stemming from violations directly tied to public health and environmental violations. This process is not triggered by paperwork violations.

The steps include the following:

1. After the first enforcement order from IDEM is received by the utility, IURC will:
 - a. Perform a review of the rates of the utility to see if they are sufficient to:
 - i. Operate the system; and
 - ii. Pay the debt obligation of the system
 - b. Determine if there is an adequate asset management plan in place
 - c. IURC may consult with LTAP when making these determinations
 2. After a second enforcement action is received within two years of the first the utility will:
 - a. Perform a base rate case before the IURC
 - b. Go under IURC jurisdiction for at least five years
 - c. The utility will undergo one additional rate case at least three years after the first rate case
 3. If there is an additional enforcement order while the utility is under IURC jurisdiction, the IURC may enter receivership proceedings with the utility
 - a. All decisions by IURC or IDEM are subject to administrative review before an ALJ
- Provides that the Indiana finance authority (authority) shall serve as the executive branch coordinator for funds allocated or made available to the state or local communities from federal, state, and other sources for purposes related to drinking water, wastewater, or storm water infrastructure and systems.
 - Sets forth the duties of the authority with respect to this role.
 - Specifies that the authority shall coordinate the executive branch activities related to the state's drinking water and wastewater programs. (Current law provides that the authority shall serve such a role with respect to the state's water programs.)

- Authorizes the establishment of a drinking water and wastewater infrastructure research and extension program (program) to provide data collection and information, training, and technical assistance concerning:
 - (1) drinking water infrastructure;
 - (2) wastewater infrastructure; and
 - (3) storm water infrastructure; in Indiana.
- Provides that the authority may:
 - (1) contract with a state supported college or university in Indiana to provide the program; and
 - (2) financially support the program from existing funds appropriated to the authority.
- Provides that the program may be housed within, or share staff with, the existing research and highway extension program at Purdue University.
- Provides that the program may provide the following services and programs to, or for the benefit of, utilities providing drinking water, wastewater, or storm water service in Indiana:
 - (1) Assisting utilities in the development of asset management programs.
 - (2) Serving as a central repository for data concerning infrastructure used to provide drinking water, wastewater, or storm water service in Indiana.
 - (3) Providing training and technical assistance to utilities and Indiana's drinking water, wastewater, and storm water utility industry workforces.
- Requires the authority to make, not later than July 1, 2023, all:
 - (1) utility asset management programs; and
 - (2) information concerning utility asset lifecycle management costs; submitted to or reviewed by the authority available on an Internet web site maintained by the authority or the program.
- Requires that in carrying out all information gathering and reporting duties under the bill's provisions, the authority and the program shall use any data the authority or the program acquires in a manner that:
 - (1) protects the confidential information of individual utilities and customers; and
 - (2) is consistent with applicable statutory exclusions from disclosure under the state's public records act.
- Provides that as a condition for receiving a loan, grant, or other financial assistance after June 30, 2023, through the wastewater revolving loan program, the drinking water revolving loan program, the water infrastructure assistance program, or the water infrastructure grant program, a participant must do the following:
 - (1) Submit the participant's required asset management program to the authority not later than the time of submission of the participant's preliminary engineering report for any project for which the loan, grant, or other financial assistance will be provided. (Current law does not specify when the asset management program must be submitted.)
 - (2) Submit to the authority information on the estimated and actual life cycle management costs over the useful life of the asset financed.
 - (3) In the case of a participant that is not under the jurisdiction of the Indiana utility regulatory commission (IURC), regularly report to all:
 - (A) customers;
 - (B) counties; and
 - (C) municipalities; within the participant's service territory information concerning the participant's asset management program.
- Provides that money in the:
 - (1) supplemental drinking water and wastewater assistance fund;
 - (2) water infrastructure assistance fund; and
 - (3) water infrastructure grant fund; may be used to provide grants, loans, or other financial assistance for the planning, designing, acquisition, construction, renovation, improvement, or expansion of septic relief systems, in accordance with guidelines of the authority.
- Provides that the authority's project prioritization system for awarding assistance from the

water infrastructure assistance fund and the water infrastructure grant fund must include as a variable the effect of a project on the environment.

- Provides for the following with respect to a wastewater utility that is not subject to the jurisdiction of the IURC for the approval of rates and charges and that has been issued one or more enforcement orders (orders) relating to environmental or health and human safety issues by the department of environmental management (department) after June 30, 2022:
 - (1) For the first order, the utility is subject to an informal review of its:
 - (A) rates and charges; and
 - (B) asset management program; by the IURC, in accordance with procedures determined by the IURC.
 - (2) For a second order that is issued within two years of the first order, the utility is subject to rate regulation, following two base rate cases, by the IURC for a minimum period of:
 - (A) five years from the IURC's order in the first base rate case; and
 - (B) one year from the IURC's order in the second base rate case.
 - (3) For any order issued during the required rate regulation period, the IURC may, in consultation with the department, initiate a receivership proceeding with respect to the utility.
- Requires the state board of education (state board) to approve, for purposes of the state's career and technical education graduation pathway, a utility career cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries.
- Requires the governor's workforce cabinet, in consultation with the state board, the department of education, and the department of workforce development, to create course sequences for the utility career cluster.

SEA 273, P.L. 61 - FINANCING OF WATER AND WASTEWATER UTILITY ASSETS

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

- Provides that the IURC may approve periodic tracking mechanisms for water or wastewater utilities to permit such utilities to recover the following:
 - (1) Changes in property taxes.
 - (2) With respect to customers located within the geographic boundaries of local units of government, incremental costs of operation and maintenance resulting from policies or ordinances that are adopted by those local units and that the IURC determines to be unusual but not necessarily unreasonable.
- Requires the IURC to adopt rules to define what is unreasonable with respect to road cut permits and other specifications or policies established by a local unit that imposes costs on water or wastewater utilities.
- Amends the statute concerning wholesale water sales between small water utilities by increasing from 5,000 to 8,000 the threshold number of customers served by a water utility (as either a purchaser or supplier) for purposes of the statute.
- Amends the statute governing infrastructure improvement charges for water or wastewater utilities as follows:
 - (1) Specifies that an "eligible infrastructure improvement" includes:
 - (A) a project to relocate existing utility plant, including projects to accommodate the construction, reconstruction, or improvement of a highway, street, or road; and
 - (B) a project that does not increase revenues by connecting to new customers, even if the project provides greater available capacity with respect to an eligible utility's distribution or collection plant.
 - (2) Sets forth distinctions for public utilities, municipally owned utilities, and not-for-profit utilities with respect to:
 - (A) costs that are eligible for recovery under the statute;
 - (B) the factors the IURC may consider in determining the amount of allowable cost recovery; and

- (C) the resetting of the adjustment amount after a base rate case.
- (3) Specifies that the limitation restricting total adjustment revenues to 10% of an eligible utility's most recently approved base revenue level does not apply with respect to property taxes associated with eligible infrastructure improvements.
- Amends provisions in the Indiana Code chapter concerning a utility company's acquisition of an offered water or wastewater utility, by providing that the rates charged by the acquiring utility company are not considered to increase unreasonably as a result of the acquisition if the net original cost of the acquired assets does not exceed 2% of the acquiring utility company's net original cost rate base as determined in the acquiring utility's most recent general rate case, plus any adjustments to the rate base resulting from:
 - (1) an infrastructure improvement charge; or
 - (2) an adjustment rider for service enhancement improvement costs; that have occurred after the rate case.
 - Makes a similar change to the Indiana Code section concerning the sale of a municipally owned utility's nonsurplus utility property.

SEA 293, P.L. 20 - MANUFACTURED HOME DEALERS

Author: Crider (R-Greenfield)

Sponsor: Pressel (R-Rolling Prairie)

- Amends the definition of "major component parts" to include a catalytic converter.
- Provides certain requirements for an automotive salvage recycler who is purchasing catalytic converters.
- Defines "manufactured home dealer" (dealer). Creates a new chapter concerning the licensing of dealers.
- Provides that a dealer may hold an offsite sale under certain conditions.
- Requires certain entities to obtain liability insurance coverage in certain amounts.
- Provides that it is an unfair practice to sell, exchange, or transfer a salvage vehicle without written disclosure.
- Provides that a dealer is exempt from certain mailing address requirements.
- Requires that a dealer must remain in good standing with the state department of health while holding a license.

SEA 299, P.L. 23 - ANNEXATION OF FIRE PROTECTION DISTRICT TERRITORY

Author: Rogers (R-Granger)

Sponsor: Miller (R-Elkhart)

- Provides the following with regard to certain annexations that include property within a fire protection district (district) for which the annexation ordinance was adopted after December 31, 2020:
 - (1) The annexation is effective at least 30 days after the annexation ordinance is adopted, published, and filed with state and county officials. (Under current law, with certain exceptions, an annexation of property within a district takes effect the second January 1 after the ordinance is adopted and filed with state and county officials.)
 - (2) Exempts the municipality from provisions requiring the municipality to:
 - (A) commence fire protection service to the annexed territory on the ordinance's effective date; and
 - (B) notify the district within 10 days of commencing fire protection service to the annexed territory. Makes stylistic changes.

SEA 328, P.L. 131 - ELECTIONS

Author: Ford, Jon (R-Terre Haute)

Sponsor: Wesco (R-Osceola)

- Requires the director, assistant director, or co-director of a board of elections and registration (rather than a member of the board) to attend a meeting called by the election division.

- Allows a member of a county election board to attend a meeting called by the election division.
- Provides reimbursement for the individuals who attend the meeting (current law only provides reimbursement for those required to attend).
- Makes changes to the county election officials instructional meeting, including duration, compensation, and expenses.
- Provides that record retention under seal does not prevent counties from conducting audits after an election as authorized by statute.
- Provides that a voter with print disabilities who chooses to vote by electronic mail must have the voter's absentee ballot application submitted to the circuit court clerk not later than 11:59 p.m. 12 days before election day.
- Provides that except for casting a replacement ballot under election law, a voter who knowingly or intentionally votes more than one ballot in the same election commits a Level 6 felony.
- Makes a technical correction.

SEA 342, P.L. 133 - FLOOD PLAIN MANAGEMENT

Author: Raatz (R-Richmond)

Sponsor: Barrett (R-Richmond)

- Provides that in a county having a population within certain parameters, a local flood plain administrator may issue a variance allowing a structure located in a floodway to remain in its location without a permit issued by the director of the department of natural resources if the structure is an abode or residence, a permit for the construction of the abode or residence was issued by the appropriate official of the county before December 19, 2018, and other conditions are met.

SEA 357, P.L. 26 - ACCEPTANCE OF ELECTRONIC CONVEYANCE DOCUMENTS

Author: Brown (R-Fort Wayne)

Sponsor: Engleman (R-Georgetown)

- Effective January 1, 2024, provides that a county recorder, auditor, or assessor may not refuse to accept or endorse a document because the document is an electronic document.
- Provides that certain recording requirements do not apply to a military discharge, a survey of real property, or a plat of real property.
- Provides that if a county auditor has not collected the recording fee for a tax deed, the county recorder shall collect the recording fee when the tax deed is recorded.
- Requires the county auditor to use revenue collected for endorsing documents for the maintenance of property tax records (instead of platbooks).
- Makes conforming amendments.

SEA 361, P.L. 135 - ECONOMIC DEVELOPMENT

Author: Mishler (R-Bremen)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 361, authored by Sen. Ryan Mishler (R-Bremen) and sponsored by Rep. Tim Brown (R-Crawfordsville), is the Indiana Economic Development Corporation's agency bill. It includes multiple provisions impacting local units of government, including the establishment of Innovation Development Districts (IDD's) and authorization for local units of government to establish a Workforce Retention and Recruitment Program and Fund.

The creation of IDD's as a new tool for the IEDC to attract transformational projects to the state of Indiana was a top priority for Governor Holcomb and both Senate and House leadership. IDD's are essentially TIF districts with the ability to capture state sales, state income, and local property taxes. As introduced, SEA 361 would have allowed the IEDC to designate any area in the state as an allocation area for the purposes of these Innovation Development Districts without meaningful local

input. Aim successfully worked with the bill authors throughout session to ensure the legislation did not negatively impact existing TIF districts, included meaningful input by local officials, and required the increment raised by local property taxes be used to benefit the area where the district is established. The final version of the bill requires that executives of affected local units must enter into an agreement with the IEDC on the terms of the district prior to the district moving forward for all projects under \$2 billion in investment. For projects over \$2 billion, truly transformative projects, local leaders are still brought in for discussion and collaboration on the front end, but do not have the veto power that exists for projects under \$2 billion. This addition represents a significant move by the legislature and the IEDC to recognize the necessity of local collaboration and input.

A separate provision in SEA 361 allows a county, city, or town to establish a Workforce Retention and Recruitment Program and Fund for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers. It authorizes the unit to transfer money into the fund from a variety of sources, including TIF. The bill provides that the executive of the unit shall administer the fund in coordination with a Workforce Fund Board of Managers appointed by the executive of the unit.

- Makes certain amendments to the Hoosier business investment tax credit, the economic development for a growing economy tax credit, the headquarters relocation tax credit, and the redevelopment tax credit.
- Adds veteran owned businesses to the list of businesses that would qualify for an enhanced venture capital tax credit.
- Limits the total amount of credits that the Indiana economic development corporation (IEDC) may award for a calendar year for all taxpayers for all applicable tax credits to \$300,000,000.
- Specifies the procedure by which the IEDC may designate an area as an innovation development district (district).
- Requires the IEDC to enter into an agreement with the executive of a city, town, or county, or, if applicable, executives, with territory located in the district establishing the terms and conditions governing certain districts.
- Requires the IEDC to establish a local innovation development district fund for each district.
- Provides that money in a local innovation development district fund is continuously appropriated for the uses of the fund.
- Authorizes a county, city, or town to establish a workforce retention and recruitment program and fund (fund) for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers.
- Authorizes the unit to transfer money into the fund from other sources.
- Provides that the executive of the unit shall administer the fund in coordination with a workforce fund board of managers appointed by the executive of the unit.
- Provides that the IEDC may award a tax credit for media production expenses for certain media productions in Indiana. Provides for the augmentation of the amount appropriated to the IEDC in an amount not to exceed \$300,000,000 for the purposes of business promotion and innovation.
- Specifies that funds appropriated to the IEDC for the purposes of business promotion and innovation do not revert to the state general fund.
- Requires the IEDC to identify state laws and regulations that burden existing businesses or inhibit creation of new businesses and provide a report with recommendations to the general assembly and budget committee.
- Makes conforming changes.

SEA 381, P.L. 28 - REGULATION OF RADIOACTIVE MATERIAL

Author: Crider (R-Greenfield)

Sponsor: Frye (R- Greensburg)

- Establishes Indiana as a nuclear regulatory agreement state upon approval by the U.S. Nuclear Regulatory Commission (commission) and the signing of an agreement by the governor and the chairman of the commission.
- Establishes the policies and purposes of the agreement in regulating certain radioactive items.
- Provides that the Indiana department of homeland security (department) is responsible for carrying out the duties of the agreement.
- Tasks the department to create rules, regulations, and protocols for the enforcement of the agreement.
- Requires the department to create licensing procedures for radioactive materials.
- Provides that the department shall create fee structures for the regulation of various radioactive services.
- Establishes the radiation site closure and disposal fund and the radiation long-term care fund.
- Permits the department to enter public and private property to ensure compliance with radiation regulations under certain conditions.
- Provides that the governor and the department may enter into agreements with the commission.
- Supersedes municipality or county regulation of certain radioactive materials.
- Prohibits the use or possession of certain radioactive materials unless licensed by the department.
- Grants the department emergency authority to impound radioactive materials in the possession of a person who is not in compliance with the department.
- Provides civil penalties for violations of certain rules.

SEA 382, P.L. 137 - VARIOUS TAX MATTERS

Author: Holdman (R-Markle)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 382 is the annual Department of Revenue (DOR) agency bill that includes numerous tax provisions. It is often a home for miscellaneous tax provisions that affect local government, and this year was no exception.

Included in this bill was a \$7.1M transfer to the state GIS office to improve their data collection from county offices so that it is in a complete and uniform format statewide. This will allow the state to integrate the data into the DOR's tax systems. This is an essential technical fix if we are ever going to have local income taxes adopted and levied at the municipal level.

This bill also includes Food and Beverage tax language for Fishers and Nashville and extends the legal duration of LITs for correctional facilities. The only negative provision in the bill for local governments is changing the assessment methodology for self-storage facilities to be the lowest of the three allowable assessment methods.

- Allows certain corporations to make an election to determine the corporation's state adjusted gross income tax under specified provisions.
- Requires all wagering taxes to be reported and remitted electronically through the department of state revenue (department) online tax filing program.
- Amends the distribution date for certain alcoholic beverage tax revenue and wagering tax and fee revenue.
- Provides that a taxpayer is not required to file subsequent personal property tax returns for the business personal property exemption.
- Provides that the true tax value of a self-service storage facility must be determined based

solely on the land and the improvements, less normal depreciation and normal obsolescence, and must exclude business intangible value.

- Clarifies provisions regarding application of the sales tax to transactions in which a person acquires an aircraft for rental or leasing in the ordinary course of the person's business.
- Reorganizes and revises provisions that apply to the sales tax exemption for nonprofit organizations.
- Reorganizes and revises provisions regarding sales tax exemptions for utilities. Provides required report filing deadlines for exempt transactions for certain retail merchants.
- Provides that if an amount would have been excludible under Section 108(f)(5) of the Internal Revenue Code as in effect on January 1, 2020, the amount is not required to be added back under the Indiana adjusted gross income provisions.
- Requires certain state or local government employees to submit to criminal history background checks at least once every five years (as opposed to 10 years under current law).
- Allows certain small businesses to deduct amounts paid for health insurance premiums from Indiana adjusted gross income.
- Amends sales tax provisions that apply to wholesale sales.
- Clarifies that a marketplace facilitator is considered the retail merchant for transactions it facilitates on its marketplace regardless as to whether the marketplace facilitator has a contractual relationship with the seller.
- Allows nonresident shareholders and partners of a partnership to make an election to opt out of withholding tax requirements in certain specified circumstances.
- Clarifies the reporting process used for distribution of local income tax (LIT) revenue to conform to current practice.
- Amends due date provisions for returns, refunds, assessments, or other submissions under the state income tax and financial institutions tax.
- Provides that an election by a corporation to make a consolidated return continues to apply following a corporate reorganization or sale.
- Makes technical and clarifying changes to the procedures for reporting federal partnership audit adjustments.
- Provides an affordable and workforce housing state tax credit against state tax liability to a taxpayer for each taxable year in the state tax credit period of a qualified project in an aggregate amount that does not exceed the product of a percentage between 40% and 100% and the amount of the taxpayer's aggregate federal tax credit for the qualified project.
- Provides that an eligible applicant must apply to the Indiana housing and community development authority for an award of an affordable and workforce housing state tax credit.
- Provides that a holder of an affordable and workforce housing state tax credit may transfer, sell, or assign all or part of the holder's right to claim the state tax credit for a taxable year.
- Increases the number of years a LIT expenditure tax rate for correctional facilities and rehabilitation facilities may be imposed from 22 to 25 years in the case of a tax rate adopted after January 1, 2019.
- Adds procedures to allow the department to offset LIT distributions to local units when an over distribution has been made either in error or because a taxpayer refund is approved after the distribution.
- Makes a technical correction to tax penalty provisions that apply to pass through entities.
- Reduces the tax rate imposed on the distribution of closed system cartridges beginning July 1, 2022, from 25% to 15% of the wholesale price.
- Requires remote sellers to collect the tobacco products tax on taxable products. Imposes a tax on the distribution of alternative nicotine products in Indiana based on a rate of \$0.40 per ounce of the product weight as listed by the manufacturer.
- Defines "alternative nicotine products" for purposes of the tax.
- Clarifies that, in the case of distributor to distributor transactions, the tobacco products tax is imposed at the time a distributor first receives the tobacco products in Indiana.
- Amends provisions that apply to a refund of a tobacco products license fee when a license is

surrendered to the department before its expiration.

- Imposes a penalty on retailers who purchase tobacco products or cigarettes from a distributor who has not obtained a registration certificate from the department (or whose registration certification is revoked or suspended).
- Authorizes the department to revoke or suspend a registration certificate for failure to comply with certain reporting requirements.
- Provides the basis upon which the department may refuse to issue or renew a registration certificate.
- Provides that the department may require reporting of any information reasonably necessary to determine alcoholic beverage excise tax liability.
- Clarifies provisions that specify the effective date of an innkeeper's tax ordinance and the subsequent tax collection duties of the department.
- Adds similar provisions under the food and beverage tax.
- Requires the budget agency to transfer \$7,100,000 from the state general fund to the Indiana mapping data and standards fund to be used for:
 - (1) the implementation of the geographic information system (GIS) for the state and local income taxes, as well as listed taxes, administered by the department; and
 - (2) the purposes of the Indiana geographic information office.
- Requires the budget agency to create a report on the current GIS related contract costs for all state agencies that could be eliminated in order to offset the required future state appropriations needed to fund the office and submit the report to the interim study committee on fiscal policy before November 1, 2022.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.
- Provides that revenue received from the Nashville food and beverage tax may be used for grants to local businesses to make building improvements.
- Removes an outdated reference in the Indiana Administrative Code regarding a property tax exemption for public airports.
- Makes conforming changes.
- Makes an appropriation.

SEA 388, P.L. 156 - FOREIGN GIFTS AND OWNERSHIP OF AGRICULTURAL LAND

Author: Messmer (R-Jasper)

Sponsor: Lindauer (R-Jasper)

- Requires a postsecondary educational institution (institution) to submit a disclosure report to the Indiana commissioner for higher education (commissioner) of gifts from a foreign source that meet the reporting threshold established by a federal law regarding disclosures of foreign gifts.
- Provides that the institution shall submit the disclosure report to the commissioner with the same information required to be reported in the disclosure report described in the federal law and at the same time the institution files the disclosure report under the federal law.
- Provides that certain information for each institution shall be posted on the commission for higher education's (commission) Internet web site.
- Provides that whenever it appears that an institution has failed to comply with gift disclosure requirements, a civil action may be brought by the attorney general or at the request of:
 - (1) a member of the general assembly;
 - (2) the governor;
 - (3) a member of the commission;
 - (4) a member of the state board of education; or
 - (5) an Indiana taxpayer; to compel compliance with the gift disclosure requirements.
- Provides that beginning July 1, 2022, a foreign business entity may not acquire agricultural land located within Indiana for the purposes of crop farming or timber production.
- Specifies exceptions.

- Prohibits a foreign business entity that owns agricultural land located within Indiana from transferring the agricultural land to another foreign business entity after June 30, 2022, for the purposes of crop farming or timber production.
- Requires a foreign business entity to report the acquisition, sale, or transfer of agricultural land for the purposes of crop farming or timber production located within Indiana to the secretary of state and the attorney general.
- Provides that agricultural land acquired, sold, or transferred in violation of law is subject to forfeiture to the state.
- Adds a provision to prohibit business entities:
 - (1) organized under the laws of the Russian Federation; or
 - (2) wholly controlled by a citizen or citizens of the Russian Federation who are not legal residents of the United States; from holding and conveying real property located within Indiana.



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HEA 1011, P.L. 157 - SALE OF CAPITAL ASSET

Author: Aylesworth (R-Hebron)

Sponsor: Niemeyer (R-Lowell)

- Allows a town to invest the proceeds received from the sale of a capital asset made after December 15, 2021, and before January 1, 2023, in the same manner as the next generation trust fund if the proceeds from the sale exceed \$24,000,000 but do not exceed \$26,000,000. (Under current law, a political subdivision is authorized to invest the proceeds received from the sale of certain capital assets in the same manner as the next generation trust fund only if the proceeds exceed \$50,000,000.)
- In addition, requires the fiscal body of the town to contract with a financial institution eligible to receive public funds of a political subdivision to assist the town in its investment program.

HEA 1034, P.L. 46 - TAX INCREMENT FINANCING

Author: Torr (R-Carmel)

Sponsor: Holdman (R-Markle)

Aim Comments:

HEA 1034 clarifies existing practice that liens on properties under taxpayer agreements have the same priority as normal property tax liens. It also adds marketing or advertising expenses for land in an allocation area to the eligible uses for TIF dollars.

This is a minor change but does represent a move in the right direction regarding the eligible uses of TIF for more flexible economic development purposes.

- Provides that a lien resulting from an agreement between a redevelopment commission (commission) and a taxpayer in an allocation area takes priority over any existing or subsequent mortgage, other lien, or other encumbrance on the property, and must have parity with a state property tax lien under IC 6-1.1-22-13.
- Provides that a lien resulting from a taxpayer agreement will have the priority of real property taxes and may be enforced and collected in all respects as real property taxes.
- Provides that a commission, or two or more commissions acting jointly, may contract for marketing and advertising of land located in an allocation area.
- Imposes a limitation on the amount available to be spent on the marketing and advertising of land in an allocation area.

HEA 1110, P.L. 116 - ANNEXATION OF RESIDENTIAL DEVELOPMENT

Author: Soliday (R-Valparaiso)

Sponsor: Charbonneau (R-Valparaiso)

- Allows a third class city to annex:
 - (1) a noncontiguous residential development; and
 - (2) the right of way of a public highway connecting the development to the city.
- Provides that annexation is initiated by:
 - (1) the homeowner's association board petitioning the city legislative body for annexation of the development; and
 - (2) the city legislative body adopting a resolution approving initiation of the annexation process.
- Requires the city to satisfy statutory requirements for annexation including adopting a written fiscal plan and annexation ordinance and conducting an outreach program.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.

HEA 1149, P.L. 49 - HOME BASED VENDORS

Author: Lehe (R-Brookston)

Sponsor: Leising (R-Oldenburg)

- Specifies the requirements for the preparation and sale of food products as a home based vendor.
- Reorganizes provisions concerning the sale of certain food products by an individual vendor at a farmers' market or roadside stand.
- Requires an individual who sells poultry, rabbits, and eggs at a farmers' market or roadside stand to comply with certain requirements.
- Makes conforming changes.

HEA 1214, P.L. 164 - RESIDENTIAL EVICTION ACTIONS

Author: Manning (R-Denver)

Sponsor: Koch (R-Bedford)

- Requires the plaintiff in a residential eviction action to file a motion to dismiss the action if the case is resolved between the parties at any time before final adjudication, unless the plaintiff is seeking damages.
- Provides that if, at any time after an eviction action is filed, no action has been taken by the plaintiff to further prosecute the case for a period of at least 180 days, the court shall send to the parties written notice:
 - (1) stating the date of the most recent action taken by the plaintiff in the case; and
 - (2) directing the plaintiff to take action to either:
 - (A) further prosecute the case; or
 - (B) dismiss the case; not later than 10 business days after the date of the notice.
- Provides that if the plaintiff fails to take any action within the prescribed time:
 - (1) the defendant may petition the court to dismiss the case; or
 - (2) the court on its own motion may dismiss the case.
- Provides that a residential eviction diversion program may not be offered or operated on a statewide or local basis unless participation in the program is voluntary for all parties.
- Requires:
 - (1) the Indiana housing and community development authority; and
 - (2) any political subdivision that distributes rental assistance funds made available by the federal government in response to the COVID-19 pandemic; to create a designated landlord application process, in addition to the tenant application process, not later than August 31, 2022.
- Requires, upon motion of the tenant, the court in which an eviction action is filed to order the clerk of the court and the operator of any state, regional, or local case management system not to disclose or permit disclosure of any records in the case, subject to certain exceptions, if any of the following occur:
 - (1) The action is dismissed.
 - (2) A judgment in favor of the tenant is entered.
 - (3) A judgment against the tenant is later overturned or vacated on appeal.
- Provides that if:
 - (1) an eviction action, regardless of when it was filed, results in one of the specified outcomes allowing for the nondisclosure of records in the action; and
 - (2) the court does not issue an order prohibiting the disclosure of any records in the action; the tenant in the action may petition the court in which the eviction action was filed to issue an order prohibiting the disclosure of any records in the action in accordance with the bill's provisions.
- Provides that upon the filing of such a petition, the court may:
 - (1) issue an order prohibiting the disclosure of any records in the action; or
 - (2) set the matter for a hearing.
- Provides that the petitioner bears the burden of proof in any hearing set by the court.

- Requires the clerk of court or other court administrator to:
 - (1) track all eviction actions with respect to which a nondisclosure order is issued by the court; and
 - (2) furnish the data compiled in the statutorily required statistical data provided to the office of judicial administration (office), as prescribed by the office.
- Requires the office to include the data provided by the courts in the Indiana Judicial Report.

HEA 1226, P.L. 120 - SOLID WASTE MATTERS

Author: Speedy (R-Indianapolis)

Sponsor: Messmer (R-Jasper)

- Establishes the central Indiana waste diversion pilot project (pilot project).
- Requires the department of environmental management to:
 - (1) develop pilot project application forms;
 - (2) make the forms available on or before July 1, 2022;
 - (3) accept applications through October 1, 2022; and
 - (4) provide recommendations to the Indiana recycling market development board (board) on or before December 1, 2022.
- Requires the board to award not more than \$4,000,000 in total to applicants chosen to participate in the pilot project.
- Limits the pilot project to Marion County.
- Amends the definition of “solid waste” to exclude materials that are used in creating a product and that meet other conditions.
- Provides that:
 - (1) a transfer station or treatment, storage, or disposal facility that holds a permit to handle hazardous waste may also handle solid waste;
 - (2) solid waste that is managed at a transfer station or a treatment, storage, or disposal facility shall not be allowed to come into direct contact with hazardous waste, and any solid waste that does come into direct contact with hazardous waste shall then be managed as hazardous waste; and
 - (3) the environmental rules board (rules board) shall amend 329 IAC 11 to conform to these provisions.
- Requires the rules board to expeditiously adopt by rule all waste regulation exemptions or exclusions as that are adopted by the United States Environmental Protection Agency (EPA) and set forth in the federal rule on the identification and listing of hazardous waste.
- Provides that until certain federal rule amendments that were adopted by the EPA on May 30, 2018, are adopted by the rules board, those amendments apply to the identification and listing of hazardous waste in Indiana just as if the amendments were already incorporated by reference into the rules of the rule board on the identification and listing of hazardous waste.
- Provides that:
 - (1) the disposal of non-hazardous coal mining waste and coal combustion residuals at a surface coal mining facility; and
 - (2) the use of coal combustion residuals as raw material for manufacturing another product or for eight other particular uses; are not subject to regulation under the solid waste rules.
- Makes corresponding changes.

HEA 1245, P.L. 167 - CONNECTIONS TO WATER AND SEWER SYSTEMS

Author: Pressel (R-Rolling Prairie)

Sponsor: Koch (R-Bedford)

Aim Comments:

HEA 1245 prohibits municipal utilities from including costs in aid of construction in capacity-related fees or tap fees. Costs in aid of construction usually refers to costs associated with system-wide improvements fees such as system development charges, interceptor fees, or availability fees. It also

creates a process by which these fees can be challenged and reviewed by the IURC after the property owner has an informal mediation with the utility.

These changes may require municipal utilities to review their fee structures to ensure they are in compliance with the new law and may require you to consult with your financial advisor to ensure you can adequately fund your needed utility improvements without running afoul of the new provisions. This bill also allows any qualified inspector to verify the compliance of a septic system without the ability of the local health department to sign off on the approval. It also prevents ordinances that regulate septic systems more stringently than Indiana State Department of Health guidelines starting July 1, 2023.

- Prohibits:
 - (1) a local unit; or
 - (2) a water or wastewater utility;
- that is not under the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges from charging or collecting from a property owner a capacity related fee or a tap fee either of which is established after June 30, 2022, and that includes contributions in aid of construction.
- Provides that if a local unit or a utility charges a property owner a capacity related fee or a tap fee that is established after June 30, 2022, and that is based, in whole or in part, on contributions in aid of construction, the property owner is entitled to request to meet with the local unit or the utility to review:
 - (1) the engineering and financial analyses the fee was based on; and
 - (2) if applicable, the ordinance adopting the fee.
- Requires a local unit or a utility to meet with a property owner for such a review not later than 30 days after receipt of the property owner's request.
- Provides that if a meeting and review does not result in a satisfactory resolution, the property owner may file with the IURC a petition challenging the fee.
- Provides that if the IURC determines the capacity related fee or tap fee is based in whole or in part on contributions in aid of construction, the IURC shall:
 - (1) invalidate the fee; or
 - (2) modify the fee to comply with these provisions.
- Amends the statute that provides an exemption from the requirement to connect to a regional sewer district's sewer system to a property owner whose septic tank soil absorption system was new at the time of installation as follows:
 - (1) Provides that the local health department's designee or a qualified inspector (in addition to the local health department) may approve the property owner's septic tank soil absorption system at the time of installation.
 - (2) Provides that the 10 year exemption is measured from the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing. (Current law provides that the 10 year exemption is measured from the date the new septic tank soil absorption system was installed.)
- Defines "residential onsite sewage system" as the term is defined by the state department of health (department) in the department's rule concerning residential onsite sewage systems (department's rule).
- Changes instances of the term "residential septic system" in current law to the term "residential onsite sewage system".
- Prohibits a local health department from refusing an application for a permit for a residential onsite sewage system solely because the residential onsite sewage system has not been used previously in the jurisdiction of the local health department or is unfamiliar to the local health department, if the residential onsite sewage system has been approved for general use in Indiana by the department's technical review panel.

- Provides that if the local health department in one jurisdiction has issued a permit for a particular type of residential onsite sewage system, the local health department in another jurisdiction may not refuse to issue a permit for a residential onsite sewage system of that same type if:
 - (1) a registered professional engineer;
 - (2) a registered soil scientist;
 - (3) a residential onsite sewage system installer; and
 - (4) (if applicable) the designer of the residential onsite sewage system; approve of the use of that type of system in the second jurisdiction.
- Provides that if a registered professional engineer certifies:
 - (1) that the location, design, proposed construction, and proposed installation of a planned residential onsite sewage system comply with the department's rule, a local health department may not disapprove an application for a permit for the residential onsite sewage system;
 - (2) that the design, construction, installation, location, maintenance, and operation of an existing residential onsite sewage system comply with the department's rule, a local health department may not issue an order on the basis that the residential onsite sewage system is a failed system; and
 - (3) that an existing residential onsite sewage system is not functioning properly but can be restored to proper functioning through repair, a local health department must allow the repair of the residential onsite sewage system to be made in accordance with the certification of the professional engineer.
- Provides that a local health department may not deny a permit for a residential onsite sewage system in a particular location on the grounds that the soil of the location is too heavily compacted if a registered soil scientist certifies that the soil can be made suitable for the residential onsite sewage system in not more than two years through the planting of plants that loosen and aerate the soil or through other means.
- Provides that after June 30, 2023, a local ordinance or a local health department may not impose residential onsite sewage system requirements, restrictions, or conditions that are more stringent than those of the department's rule.
- Requires a local health department to issue, in certain circumstances, a permit for a residential onsite sewage system not more than 30 business days after receiving the application for the permit.
- Effective July 1, 2023, voids a provision of the department's rule stating that the rule does not prohibit local ordinances from imposing requirements more stringent than the requirements of the department's rule.
- Changes population parameters used in an Indiana Code section concerning the installation of a residential onsite sewage system in fill soil, so as to reflect the population count determined under the 2020 decennial census.
- Amends the Indiana Code section governing the procedures for a proposal to amend or partially repeal a zoning ordinance to require a plan commission to vote on the proposal not later than 60 days after holding the public hearing on the proposal.
- Provides that a property owner whose property is incorporated into the territory of a municipal sanitation district (regardless of whether the property owner has filed a written remonstrance or an appeal with respect to the incorporation) is exempt from a requirement to connect to the district's sewer system and to discontinue use of a sewage disposal system on the property owner's property if:
 - (1) the property owner's sewage disposal system:
 - (A) was new at the time of installation; and
 - (B) was approved in writing by the local health department, the department's designee, or a qualified inspector; and
 - (2) the property owner obtains a written determination from the local health department, the department's designee, or a qualified inspector that the property owner's sewage disposal system is not failing.

- Provides that a property owner who qualifies for this exemption may not be required to connect to the district's sewer system for a period of 10 years beginning on the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing.
- Provides that a property owner may apply for two five-year extensions of the exemption.
- Limits the total period during which a property may be exempt from the requirement to connect to a district's sewer system to not more than 20 years, regardless of ownership of the property.
- Sets forth certain time frames and requirements that apply to a property owner who seeks to claim the exemption.
- Provides that this exemption does not apply to a property owner whose property is incorporated into a district if:
 - (1) the district has received approval from the Indiana finance authority before January 1, 2022, of a preliminary engineering report:
 - (A) for a project to construct the sewer line to which the property owner's property is being required to connect; and
 - (B) in connection with funding from the wastewater or drinking water revolving loan program; and
 - (2) the timing and requirements for connection to the district's sewer system are the same for all property owners being required to connect to the district's sewer system under the terms of the project.

HEA 1260, P.L. 174 - DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Author: Leonard (R-Huntington)

Sponsor: Bassler (R-Washington)

Aim Comments:

HEA 1260 was introduced as the annual Department of Local Government Finance (DLGF) bill, which includes many provisions related to local government finance. This year there are several that affect Aim members.

For the past several years, both Aim and ILMCT have included in their legislative initiatives a desire to eliminate the rate trending for cumulative funds. HEA 1260 removes the rate trending for the remaining funds that still trended. This means that changes in AV will no longer trigger rate changes in cumulative funds and local units will not have to go through the process of reestablishing the rates annually to maintain the same rate from year to year.

HEA 1260 also updates Indiana Board of Tax Review (IBTR) procedures in response to the South Lake Mall case. In that case, it was ruled that if the initial assessment does not match the appraisal presented to IBTR exactly during a property tax appeal, the assessment must revert to the prior year assessment (a ruling in favor of the taxpayer appealing). The change in HEA 1260 allows the appraisal presented by IBTR to be used as the basis of the final true tax value which can be different from the prior year assessment or the assessment initially made by the local assessor. This change is a positive step in dealing with chronic appeals of large, commercial properties.

- Specifies provisions for federal economic stimulus funds.
- Provides that, unless specifically granted authority by a statute passed by the general assembly, the state lottery commission and Indiana gaming commission shall not, independently or by public-private partnership, operate or authorize the use or operation of particular games and sales over the Internet.
- Specifies certain exceptions.
- Provides that certain churches and religious societies are not required to file a personal property tax return.
- Provides that a county assessor shall provide electronic access to property record cards on the

county's official Internet web site.

- Repeals the mortgage deduction for assessments beginning January 1, 2023. Increases the homestead deduction from \$45,000 to \$48,000 for assessments beginning January 1, 2023.
- Provides that with regard to a rehabilitation or redevelopment project in an economic revitalization area within an excluded city, that when the designating body:
 - (1) receives a formal request for a tax abatement or incentive; or
 - (2) issues an offer letter for a tax abatement or incentive; the designating body must provide written notice to the excluded city.
- Requires a local assessor to notify the department of local government finance (DLGF) of all new fixed property owned or used by a public utility company that the local assessor will begin assessing and the date on which the assessments will begin.
- Requires the DLGF to notify a company if any of the company's property that was previously assessed by the DLGF will instead be assessed by the township assessor, or the county assessor if there is not a township assessor for the township.
- Provides that the county assessor may exempt designated infrastructure development zone broadband assets, including assets located in a designated infrastructure development zone of a centrally assessed telephone company or cable company.
- Provides that the authority of a property tax assessment board of appeals (county board) is not limited to review the ongoing eligibility of a property for an exemption.
- Provides timing clarifications for property tax deductions for taxpayers who are over age 65 or who are disabled veterans, and for the over age 65 circuit breaker credit.
- Provides that the assessor shall provide a report to the county auditor describing any physical improvements to the property.
- Increases the maximum assessed value of the real property for an individual at least 65 years of age to be eligible for a deduction from \$200,000 to \$240,000.
- Defines the term "taxpayer" for purposes of the procedures for review and appeal of assessments and corrections of errors.
- Modifies the burden of proof standard in an appeal to provide that an assessment as last determined by an assessing official or the county board is presumed to equal a property's true tax value until rebutted by evidence presented by the parties, unless the property's assessment increased by more than 5%, in which case the assessor has the burden of proof.
- Provides that a county auditor shall submit a certified statement to the DLGF not later than September 1 in a manner prescribed by the DLGF.
- Provides for maximum property tax levy increases for Otter Creek Township in Vigo County and Sugar Creek Township Fire Protection District in Vigo County.
- Provides for a one-time maximum property tax levy increase for Howard County.
- Specifies certain dates with regard to the adjustment of maximum tax rates after a reassessment or annual adjustment. For reports filed by county boards with the DLGF, changes the requirement for the total number of "notices" to be filed to the total number of "appeals" to be filed. Requires additional information to be filed in such reports.
- Provides that the term "tax representative" does not include an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted temporary admission to the Indiana bar in order to represent a party before the property tax assessment board of appeals or the DLGF.
- Provides that the DLGF may not review certain written complaints if such a complaint is related to a matter that is under appeal.
- Repeals a provision in current law that provides that a taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit against the property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds 20% of the total assessed value of all taxable property in the county on that date.
- Provides that for certain airport development zones and allocation areas established after June 30, 2024, "residential property" refers to the assessed value of property that is allocated to the

1% homestead land and improvement categories in the county tax and billing software system, along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property.

- Provides formulas for school corporations that propose to impose property taxes under a referendum tax levy. Provides that the property tax rate imposed under the provision for the public safety officers survivors' health coverage cumulative fund is exempt from the adjustment of maximum tax rates after reassessment or annual adjustment.
- Changes the sunset provision for pro bono legal service fees from July 1, 2022, to July 1, 2025.
- Allows a county surveyor to send relocation requirements for a proposed regulated drain by either registered mail or certified mail (current law requires the relocation requirements be sent by registered mail).
- Amends SECTION 9 of HEA 1001-2022 by adding language indicating that certain COVID-19 tests be "approved, cleared, or authorized" by the FDA as opposed to just "approved" as passed in HEA 1001-2022.
- Repeals various property tax provisions.
- Makes conforming changes.

HEA 1262, P.L. 97 - OUTDOOR ADVERTISING SIGNS

Author: Cherry (R-Greenfield)

Sponsor: Crider (R-Greenfield)

- Establishes procedures for the valuation of an outdoor advertising sign that cannot be elevated or relocated to a conforming location within the market area due to a change along the interstate and primary system or any other highway.
- Requires the Indiana department of transportation to provide written notice to the representative of a sign owner that a project has been planned that may impact the sign at least 12 months prior to the filing of an eminent domain action for the sign.
- Provides that an owner is entitled to full and just compensation for the taking of a sign in the amount of the fair market value of the interests associated with the sign.
- In Marion County, allows the:
 - (1) board of directors (board) of an agricultural fair society, association, or corporation; or
 - (2) the county legislative body; that owns or operates a county fairgrounds to place one digital billboard at a location on the county fairgrounds selected by the board.

HEA 1298, P.L. 121 - ALCOHOLIC BEVERAGES

Author: Smaltz (R-Auburn)

Sponsor: Alting (R-Lafayette)

- Provides that the alcohol and tobacco commission may not require physical separation between a bar area and a dining area in a food hall.
- Reduces the length of time that an applicant for an artisan distiller's permit must hold another permit prior to the date of the application.
- Creates a temporary craft manufacturer hospitality permit (hospitality permit) that allows a craft manufacturer to participate in a convention, a trade show, an exposition, or a similar event on the licensed premises of a particular host permittee.
- Specifies certain requirements and restrictions concerning a hospitality permit.
- Makes conforming amendments.

HEA 1299, P.L. 79 - PERMIT TRANSFERS AND TAX HOLD EXTENSIONS

Author: Smaltz (R-Auburn)

Sponsor: Alting (R-Lafayette)

- Allows the alcohol and tobacco commission (commission) to transfer a beer wholesaler's permit from the beer wholesaler permittee (permittee) to the permittee's immediate relative (immediate relative) who holds a majority share in another wholesaler permit, if:
 - (1) the permittee is at least 75 years of age; and

- (2) the permittee and the immediate relative have each held their respective wholesaler permits for at least 10 years.
- Allows the commission to extend, one time and for not more than 90 days, the permit term of an applicant for permit renewal that is delinquent in paying a listed tax.

HEA 1306, P.L. 99 - HOUSING TASK FORCE

Author: Miller (R-Elkhart)

Sponsor: Doriot (R-Goshen)

- Establishes the housing task force to review issues related to housing and housing shortages in Indiana.
- Sets forth membership and requires the task force to issue a report to the general assembly and the governor not later than November 1, 2022.

SEA 62, P.L. 123 - SALE OF TAX SALE PROPERTIES TO NONPROFITS

Author: Young (R-Indianapolis)

Sponsor: Moed (D-Indianapolis)

- Permits a county treasurer in a county having a consolidated city to offer for sale a tract or item of real property on the county auditor's tax sale list:
 - (1) that is not used as a person's principal place of residence and receiving a homestead standard deduction for the most recent assessment date;
 - (2) that is unsold after two or more public sales; and
 - (3) for which a set off has not been obtained against the delinquent debt owed on the real property; to an eligible nonprofit entity prior to a regularly scheduled tax sale.
- Provides that not more than 5% of the real property on the tax sale list may be sold to eligible nonprofit entities.
- Requires an eligible nonprofit entity to file certain information with the county executive not later than 45 days prior to the tax sale in order to participate in an early sale.
- Requires, before January 1, 2023, and before each January 1 thereafter, the county executive to provide an annual report to the legislative council concerning the sale of tax sale properties to eligible nonprofit entities.

SEA 139, P.L. 53 - MANUFACTURED HOUSING IN MOBILE HOME COMMUNITY

Author: Doriot (R-Granger)

Sponsor: Miller (R-Elkhart)

Aim Comments:

SEA 139 prevents a municipality from restricting or regulating an installation of a mobile home, manufactured home, or industrialized residential structure within an existing mobile or manufactured home community. The legislation also allows an individual who owns a nonconforming mobile home, manufactured home, or industrialized residential structure to replace the nonconforming structure if it has been damaged or destroyed.

As introduced, the language in the bill was much broader and would have prevented a municipality from restricting or regulating one of these homes from being placed anywhere in the community. Aim was able to successfully work alongside the author of the bill to narrow the language and limit the impact to existing mobile and manufactured housing communities.

- Prohibits a governmental body from regulating or restricting the installation of a mobile home, manufactured home, or industrialized residential structure within a mobile home community based on the age or size of the mobile home, manufactured home, or industrialized residential structure, regardless of whether:
 - (1) the mobile home, manufactured home, or industrialized residential structure; or
 - (2) the lot on which, or the mobile home community in which, it is or will be located or installed;

- constitutes a conforming structure or use, or a legal, nonconforming structure or use.
- Provides that after March 14, 2022:
 - (1) a unit may not adopt, impose, amend, or enforce a regulation, or a provision in a regulation, that violates this prohibition, regardless of when the regulation or provision was originally adopted or imposed; and
 - (2) any provision that:
 - (A) is included in a regulation adopted or imposed by a unit; and
 - (B) violates this prohibition; is void and unenforceable regardless of when the regulation or provision was originally adopted or imposed.
 - Prohibits a unit from adopting, imposing, or enforcing a regulation that mandates size requirements for, or that is based on the age of, a mobile home, a manufactured home, or an industrialized residential structure that will be installed in a mobile home community, regardless of whether the mobile home community, or any part of the mobile home community, constitutes:
 - (1) a conforming structure or use; or
 - (2) a legal, nonconforming structure or use.
 - Provides that after March 14, 2022:
 - (1) a unit may not adopt, impose, amend, or enforce a regulation, or a provision in a regulation, that violates this prohibition, regardless of when the regulation or provision was originally adopted or imposed; and
 - (2) any provision that:
 - (A) is included in a regulation adopted or imposed by a unit; and
 - (B) violates this prohibition; is void and unenforceable regardless of when the regulation or provision was originally adopted or imposed.
 - Provides that a mobile home community operator who attempts to exclude an owner with the intent to evade the requirement that the operator provide notice not less than 180 days before the date of an intended closure commits a deceptive act that is actionable by the attorney general.
 - Amends the statute concerning the reconstruction of nonconforming structures to provide that whenever a legal, nonconforming structure, including:
 - (1) a mobile home;
 - (2) a manufactured home; or
 - (3) an industrialized residential structure; on a parcel of real property used for residential purposes in a mobile home community is removed, the owner of the parcel shall be permitted to replace the structure without losing the status of the structure or parcel as a legal, nonconforming structure or use if the replacement meets the existing statutory requirements.
 - Provides that these provisions concerning the continuing status of the structure or parcel in a mobile home community as a legal, nonconforming structure or use apply after March 14, 2022, regardless of whether:
 - (1) the structure or parcel is conferred status as a legal, nonconforming structure or use; or
 - (2) the legal nonconforming structure is:
 - (A) damaged, destroyed, or removed; or
 - (B) reconstructed, renovated, repaired, or replaced; before or after March 15, 2022.

SEA 145, P.L. 54 - PROPERTY TAX MATTERS

Author: Buchanan (R-Lebanon)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 145 represents the culmination of years of attempts to solve the “dark box” problem, or the chronic tax appeals by large, commercial retailers based on the fact that it is difficult to find comparable sales for these properties.

To solve this problem, SEA 145 requires that the cost method, a method that uses the cost of construction less normal depreciation, be used for the first 5 years of assessment of newly constructed commercial buildings over 100,000 sqft. If actual cost data is not available, the assessor can use statewide DLGF cost tables.

This should limit tax appeals on these properties and put more AV back on the tax rolls, lowering tax cap losses and tax shifts to other taxpayers.

- Provides that the true tax value of commercial real property commercial property with a structure, or a portion thereof, that:
 - (1) is at least 100,000 square feet in area;
 - (2) is used for retail purposes; and
 - (3) is occupied by a single retailer; shall be determined by application of the cost approach.
- Provides that the application of the cost approach requirement is not applicable if the property was:
 - (1) vacated by the original occupant for which the property was constructed;
 - (2) constructed more than five years prior to the assessment date; or
 - (3) substantially and adversely impacted by a change in a roadway or traffic pattern.
- Provides that estimates of depreciation and obsolescence shall not be based on data derived from the sales comparison or income capitalization approaches.
- Requires the department of local government finance (department) to establish a standard construction cost per square foot for the purpose of applying the cost approach.
- Requires the department to update the standard construction cost per square foot annually.
- Provides that when requesting a review, a taxpayer may present an appraisal based on the cost approach as evidence that the actual construction cost was lower than the department's determined standard construction cost per square foot that was used to assess the property.
- Provides that the parties to any appeal may enter into a written agreement to stipulate to the true tax value of the property.
- Provides that the fiscal officer of the county may establish a separate account for the tax receipts that are attributable to the property tax assessment that is the subject of review.

SEA 166, P.L. 57 - PUBLIC-PRIVATE AGREEMENTS

Author: Walker, K (R-Lawrence)

Sponsor: Pressel (R-Rolling Prairie)

- Provides that a governmental body may enter into a public-private agreement with respect to a transportation project.
- Provides that any public-private agreement with respect to a transportation project may use availability payments to finance all or a portion of the project.
- Provides that a governmental body may also enter into a development agreement with a private party for the development, construction, and financing of a privately owned and operated transportation or infrastructure project if the development agreement meets certain conditions.
- Specifies the contents of public-private agreements for transportation facilities or transportation projects and establishes requirements for the operator of the transportation facility or transportation project.
- Provides for a property tax exemption and a sales tax exemption.
- Defines terms.

SEA 245, P.L. 58 - STATEWIDE SPORTS AND TOURISM BID FUND

Author: Walker, K (R-Lawrence)

Sponsor: Heine (R-New Haven)

- Establishes the statewide sports and tourism bid fund (fund) to provide funding for the purpose of organizing and holding sports and tourism events in Indiana.

- Provides that the Indiana destination development corporation (IDDC) shall administer the fund.
- Requires the IDDC to distribute to the Indiana Sports Corporation a grant amount equal to the amount appropriated by the general assembly to the fund.
- Provides that the Indiana Sports Corporation shall manage the funds in accordance with the general laws of the state relating to the handling of public funds.
- Requires that the Indiana Sports Corporation ensure that not less than 30% of the money received by the Indiana Sports Corporation each biennium is used for events that are conducted outside of Marion County.
- Authorizes the Indiana Sports Corporation to award grants to other eligible entities for the purpose of organizing and holding an event in Indiana.
- Requires the Indiana Sports Corporation to annually report to the budget committee on the use of the money received from the fund.

SEA 272, P.L. 18 - WASTEWATER INFRASTRUCTURE

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

Aim Comments:

SEA 272, authored by Sen. Eric Koch (R-Bedford) and Rep. Ed Soliday (R-Valparaiso), includes multiple provisions stemming from the Wastewater Taskforce which met prior to the start of the 2022 legislative session. Similar to the framework created for road funding in 2017, this bill creates a framework to assess infrastructure throughout the state in partnership with Purdue University. It clarifies that a local community must have an asset management plan to apply for loans from the state. It also designates the Indiana Finance Authority (IFA) as the executive branch coordinator for all funds related to drinking water, wastewater, or storm water infrastructure and systems.

The legislation also outlines a three-step process by which failing water and wastewater utilities, including municipally owned utilities, may enter receivership by the IURC after receiving enforcement actions from IDEM. The language was amended in committee to ensure this process only applies to enforcement actions stemming from violations directly tied to public health and environmental violations. This process is not triggered by paperwork violations.

The steps include the following:

1. After the first enforcement order from IDEM is received by the utility, IURC will:
 - a. Perform a review of the rates of the utility to see if they are sufficient to:
 - i. Operate the system; and
 - ii. Pay the debt obligation of the system
 - b. Determine if there is an adequate asset management plan in place
 - c. IURC may consult with LTAP when making these determinations
 2. After a second enforcement action is received within two years of the first the utility will:
 - a. Perform a base rate case before the IURC
 - b. Go under IURC jurisdiction for at least five years
 - c. The utility will undergo one additional rate case at least three years after the first rate case
 3. If there is an additional enforcement order while the utility is under IURC jurisdiction, the IURC may enter receivership proceedings with the utility
 - a. All decisions by IURC or IDEM are subject to administrative review before an ALJ
- Provides that the Indiana finance authority (authority) shall serve as the executive branch coordinator for funds allocated or made available to the state or local communities from federal, state, and other sources for purposes related to drinking water, wastewater, or storm water infrastructure and systems.

- Sets forth the duties of the authority with respect to this role.
- Specifies that the authority shall coordinate the executive branch activities related to the state's drinking water and wastewater programs. (Current law provides that the authority shall serve such a role with respect to the state's water programs.)
- Authorizes the establishment of a drinking water and wastewater infrastructure research and extension program (program) to provide data collection and information, training, and technical assistance concerning:
 - (1) drinking water infrastructure;
 - (2) wastewater infrastructure; and
 - (3) storm water infrastructure; in Indiana.
- Provides that the authority may:
 - (1) contract with a state supported college or university in Indiana to provide the program; and
 - (2) financially support the program from existing funds appropriated to the authority.
- Provides that the program may be housed within, or share staff with, the existing research and highway extension program at Purdue University.
- Provides that the program may provide the following services and programs to, or for the benefit of, utilities providing drinking water, wastewater, or storm water service in Indiana:
 - (1) Assisting utilities in the development of asset management programs.
 - (2) Serving as a central repository for data concerning infrastructure used to provide drinking water, wastewater, or storm water service in Indiana.
 - (3) Providing training and technical assistance to utilities and Indiana's drinking water, wastewater, and storm water utility industry workforces.
- Requires the authority to make, not later than July 1, 2023, all:
 - (1) utility asset management programs; and
 - (2) information concerning utility asset lifecycle management costs; submitted to or reviewed by the authority available on an Internet web site maintained by the authority or the program.
- Requires that in carrying out all information gathering and reporting duties under the bill's provisions, the authority and the program shall use any data the authority or the program acquires in a manner that:
 - (1) protects the confidential information of individual utilities and customers; and
 - (2) is consistent with applicable statutory exclusions from disclosure under the state's public records act.
- Provides that as a condition for receiving a loan, grant, or other financial assistance after June 30, 2023, through the wastewater revolving loan program, the drinking water revolving loan program, the water infrastructure assistance program, or the water infrastructure grant program, a participant must do the following:
 - (1) Submit the participant's required asset management program to the authority not later than the time of submission of the participant's preliminary engineering report for any project for which the loan, grant, or other financial assistance will be provided. (Current law does not specify when the asset management program must be submitted.)
 - (2) Submit to the authority information on the estimated and actual life cycle management costs over the useful life of the asset financed.
 - (3) In the case of a participant that is not under the jurisdiction of the Indiana utility regulatory commission (IURC), regularly report to all:
 - (A) customers;
 - (B) counties; and
 - (C) municipalities; within the participant's service territory information concerning the participant's asset management program.
- Provides that money in the:
 - (1) supplemental drinking water and wastewater assistance fund;
 - (2) water infrastructure assistance fund; and

- (3) water infrastructure grant fund; may be used to provide grants, loans, or other financial assistance for the planning, designing, acquisition, construction, renovation, improvement, or expansion of septic relief systems, in accordance with guidelines of the authority.
- Provides that the authority's project prioritization system for awarding assistance from the water infrastructure assistance fund and the water infrastructure grant fund must include as a variable the effect of a project on the environment.
- Provides for the following with respect to a wastewater utility that is not subject to the jurisdiction of the IURC for the approval of rates and charges and that has been issued one or more enforcement orders (orders) relating to environmental or health and human safety issues by the department of environmental management (department) after June 30, 2022:
 - (1) For the first order, the utility is subject to an informal review of its:
 - (A) rates and charges; and
 - (B) asset management program; by the IURC, in accordance with procedures determined by the IURC.
 - (2) For a second order that is issued within two years of the first order, the utility is subject to rate regulation, following two base rate cases, by the IURC for a minimum period of:
 - (A) five years from the IURC's order in the first base rate case; and
 - (B) one year from the IURC's order in the second base rate case.
 - (3) For any order issued during the required rate regulation period, the IURC may, in consultation with the department, initiate a receivership proceeding with respect to the utility.
- Requires the state board of education (state board) to approve, for purposes of the state's career and technical education graduation pathway, a utility career cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries.
- Requires the governor's workforce cabinet, in consultation with the state board, the department of education, and the department of workforce development, to create course sequences for the utility career cluster.

SEA 293, P.L. 20 - MANUFACTURED HOME DEALERS

Author: Crider (R-Greenfield)

Sponsor: Pressel (R-Rolling Prairie)

- Amends the definition of "major component parts" to include a catalytic converter.
- Provides certain requirements for an automotive salvage recycler who is purchasing catalytic converters.
- Defines "manufactured home dealer" (dealer). Creates a new chapter concerning the licensing of dealers.
- Provides that a dealer may hold an offsite sale under certain conditions.
- Requires certain entities to obtain liability insurance coverage in certain amounts.
- Provides that it is an unfair practice to sell, exchange, or transfer a salvage vehicle without written disclosure.
- Provides that a dealer is exempt from certain mailing address requirements.
- Requires that a dealer must remain in good standing with the state department of health while holding a license.

SEA 361, P.L. 135 - ECONOMIC DEVELOPMENT

Author: Mishler (R-Bremen)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 361, authored by Sen. Ryan Mishler (R-Bremen) and sponsored by Rep. Tim Brown (R-Crawfordsville), is the Indiana Economic Development Corporation's agency bill. It includes multiple provisions impacting local units of government, including the establishment of Innovation Development Districts (IDD's) and authorization for local units of government to establish a

Workforce Retention and Recruitment Program and Fund.

The creation of IDD's as a new tool for the IEDC to attract transformational projects to the state of Indiana was a top priority for Governor Holcomb and both Senate and House leadership. IDD's are essentially TIF districts with the ability to capture state sales, state income, and local property taxes. As introduced, SEA 361 would have allowed the IEDC to designate any area in the state as an allocation area for the purposes of these Innovation Development Districts without meaningful local input. Aim successfully worked with the bill authors throughout session to ensure the legislation did not negatively impact existing TIF districts, included meaningful input by local officials, and required the increment raised by local property taxes be used to benefit the area where the district is established. The final version of the bill requires that executives of affected local units must enter into an agreement with the IEDC on the terms of the district prior to the district moving forward for all projects under \$2 billion in investment. For projects over \$2 billion, truly transformative projects, local leaders are still brought in for discussion and collaboration on the front end, but do not have the veto power that exists for projects under \$2 billion. This addition represents a significant move by the legislature and the IEDC to recognize the necessity of local collaboration and input.

A separate provision in SEA 361 allows a county, city, or town to establish a Workforce Retention and Recruitment Program and Fund for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers. It authorizes the unit to transfer money into the fund from a variety of sources, including TIF. The bill provides that the executive of the unit shall administer the fund in coordination with a Workforce Fund Board of Managers appointed by the executive of the unit.

- Makes certain amendments to the Hoosier business investment tax credit, the economic development for a growing economy tax credit, the headquarters relocation tax credit, and the redevelopment tax credit.
- Adds veteran owned businesses to the list of businesses that would qualify for an enhanced venture capital tax credit.
- Limits the total amount of credits that the Indiana economic development corporation (IEDC) may award for a calendar year for all taxpayers for all applicable tax credits to \$300,000,000.
- Specifies the procedure by which the IEDC may designate an area as an innovation development district (district).
- Requires the IEDC to enter into an agreement with the executive of a city, town, or county, or, if applicable, executives, with territory located in the district establishing the terms and conditions governing certain districts.
- Requires the IEDC to establish a local innovation development district fund for each district.
- Provides that money in a local innovation development district fund is continuously appropriated for the uses of the fund.
- Authorizes a county, city, or town to establish a workforce retention and recruitment program and fund (fund) for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers.
- Authorizes the unit to transfer money into the fund from other sources.
- Provides that the executive of the unit shall administer the fund in coordination with a workforce fund board of managers appointed by the executive of the unit.
- Provides that the IEDC may award a tax credit for media production expenses for certain media productions in Indiana. Provides for the augmentation of the amount appropriated to the IEDC in an amount not to exceed \$300,000,000 for the purposes of business promotion and innovation.
- Specifies that funds appropriated to the IEDC for the purposes of business promotion and

innovation do not revert to the state general fund.

- Requires the IEDC to identify state laws and regulations that burden existing businesses or inhibit creation of new businesses and provide a report with recommendations to the general assembly and budget committee.
- Makes conforming changes.

SEA 411, P.L. 90 - COMMERCIAL SOLAR AND WIND ENERGY

Author: Messmer (R-Jasper)

Sponsor: Soliday (R-Valparaiso)

- Establishes default standards concerning the following with respect to wind power projects in local units that voluntarily adopt the standards:
 - (1) Setback requirements.
 - (2) Height restrictions.
 - (3) Shadow flicker limitations.
 - (4) Signal interference.
 - (5) Sound level limitations.
 - (6) Wind turbine light mitigation technology.
 - (7) Required repairs to drainage related infrastructure.
 - (8) Project decommissioning.
- Defines a unit that voluntarily adopts all of the default standards, or standards less restrictive than the default standards, as a “wind energy ready community”.
- Establishes default standards concerning the following with respect to commercial solar projects in units that voluntarily adopt the standards:
 - (1) Setback requirements.
 - (2) Height restrictions.
 - (3) Ground cover.
 - (4) Fencing.
 - (5) Cables.
 - (6) Glare.
 - (7) Signal interference.
 - (8) Sound level limitations.
 - (9) Required repairs to drainage related infrastructure.
 - (10) Project decommissioning.
- Defines a unit that voluntarily adopts all of the default standards, or standards less restrictive than the default standards, as a “solar energy ready community”.



Accelerate Indiana
Municipalities

2022 Courts

HEA 1004, P.L. 45 - DEPARTMENT OF CORRECTION

Author: Frye (R- Greensburg)

Sponsor: Koch (R-Bedford)

- Amends and updates certain terms involving direct placement in a community corrections program. Updates the definition of “community corrections program”.
- Specifies that a court may suspend any portion of a sentence and order a person to be placed in a community corrections program for the part of the sentence which must be executed.
- Provides that a person placed on a level of supervision as part of a community corrections program:
 - (1) is entitled to earned good time credit;
 - (2) may not earn educational credit; and
 - (3) may be deprived of earned good time credit.
- Provides that when a person completes a placement program, the court may place the person on probation.
- Provides that a court may commit a person convicted of a Level 6 felony for an offense committed after June 30, 2022, to the department of correction (department), and that, consistent with current law, a court may commit a person convicted of a Level 6 felony for an offense committed before July 1, 2022, to the department only if certain circumstances exist.
- Establishes certain conditions of parole for a person on lifetime parole and makes the violation of parole conditions and commission of specified other acts by a person on lifetime parole a Level 6 felony, with an enhancement to a Level 5 felony for a second or subsequent offense.
- Provides that, for purposes of calculating accrued time and good time credit, a calendar day includes a partial calendar day.
- Makes conforming changes.

HEA 1205, P.L. 161 - UNIFORM TRUST DECANTING ACT AND TRUSTEE DUTIES

Author: Young (R-Franklin)

Sponsor: Freeman (R-Indianapolis)

- Allows a trustee of an irrevocable trust to appoint a successor trustee or multiple trustees.
- Provides that a trustee’s power to appoint a successor trustee includes the power to allocate trustee powers to one or more trustees.
- Enacts the uniform trust decanting act.
- Creates a definition of the decanting power to include a power by a trustee to make limited modifications to an irrevocable trust, including an asset transfer to a new trust.
- Requires that a modification be consistent with a settlor’s or charitable organization’s intent.
- Permits the trustee of an existing trust to make modifications to or distributions from an existing trust for the benefit of a disabled beneficiary.
- Prohibits a trustee from being required to decant.
- Requires advanced notice to all qualified beneficiaries.
- Provides that the decanting power of an authorized fiduciary is not precluded by certain terms. (The introduced version of this bill was prepared by the Probate Code Commission.)

HEA 1208, P.L. 162 - VARIOUS PROBATE AND TRUST MATTERS

Author: Young (R-Franklin)

Sponsor: Freeman (R-Indianapolis)

- In one instance in the law on health care advance directives, changes the word “testator” to “declarant”.
- Amends several provisions relating to the filing of notices to make those provisions consistent with Rules of Trial Procedure 86 and 87 concerning electronic filing.
- Resolves inconsistencies in two sections of the chapter on dispensing with administration so that those sections authorize a fiduciary to distribute and disburse the estate assets before filing a closing statement.
- Authorizes the appointment of a special administrator under certain circumstances and

establishes a procedure for the appointment of a special administrator for the purpose of pursuing a claim for a decedent's wrongful death.

- In a section concerning the filing of an electronic will, replaces an incorrect reference with a reference to the Rules on Access to Court Records.
- Provides that a video or audio recording of a principal who executes a power of attorney may be admissible as evidence of matters relevant to the validity or enforceability of the power of attorney.
- Provides that any objection to a final account and petition for distribution of a decedent's estate must be filed at least 14 days before the hearing date.
- Eliminates references to a trustee "docketing" a trust and identifies permissible methods for the filing of a copy of a trust instrument with a court.
- Amends two definitions of "electronic power of attorney" to provide that an electronic power of attorney may be signed in the presence of witnesses instead of being notarized.
- Provides that a person who has been found guilty, or guilty but mentally ill, on a charge of causing an unlawful death of a decedent is a constructive trustee of certain property acquired or entitled to be received by the culpable person.
- Includes a married individual who does not have any dependents and whose death was caused by a spouse within the definition of "adult person" for the purpose of a wrongful death action.
- Makes conforming changes.
- Makes technical corrections. (The introduced version of this bill was prepared by the probate code study commission.)

SEA 80, P.L. 105 - CODE PUBLICATION AMENDMENTS

Author: Young (R-Indianapolis)

Sponsor: Young (R-Franklin)

- Makes Code publication corrections.
- Repeals and relocates specific Indiana Code chapters consisting of definitions or statutory lists for organization of the provisions by alphabetical or Code cite order. Updates the statutory lists.
- Resolves technical conflicts:
 - (1) between various enrolled acts passed during the 2022 legislative session; and
 - (2) between various enrolled acts passed during the 2022 legislative session and SEA 80.
- Makes technical corrections in HEA 1363-2022.

SEA 131, P.L. 11 - UNIFORM ELECTRONIC LEGAL MATERIAL ACT

Author: Freeman (R-Indianapolis)

Sponsor: Young (R-Franklin)

- Implements the Uniform Electronic Legal Material Act, which establishes a process for certain legal materials stored electronically to be:
 - (1) designated as official;
 - (2) authenticated;
 - (3) preserved; and
 - (4) made available to the public.

SEA 149, P.L. 106 - VARIOUS COURTS MATTERS

Author: Koch (R-Bedford)

Sponsor: Steuerwald (R-Avon)

Aim Comments:

SEA 149 makes several changes to the court system in Marion County, but it also accomplishes an initiative that Aim has been pursuing for years. In 2014, Indiana code was changed to allow for circuit court clerks to keep fee overpayments of up to \$3 as an administrative fee. SEA 149 adds parity

language into code to allow for clerks of city or town courts or a judge of city or town court that does not have a clerk to also keep overpayments up to \$3 as administrative fees.

- Makes clarifying changes to the powers and duties of the Marion superior court executive committee.
- Provides that an appointed judicial officer shall be vested by the judges of the family division of the Marion superior court with suitable powers for the handling of all probate matters of the court.
- Removes and reallocates the powers and duties of a probate hearing judge, probate commissioner, juvenile referee, bail commissioner, and master commissioner from the Marion superior court.
- Provides that the Marion County judicial selection committee nomination procedure shall be followed when filling a vacancy that occurs in a court.
- Provides that a sheriff's service of process fee for each service performed outside Marion County applies to cases in the Marion County small claims court.
- Provides that the:
 - (1) clerk of a circuit court;
 - (2) clerk of a city or town court; or
 - (3) judge of a city or town court that does not have a clerk; may retain as an administrative fee an amount of up to \$3 from the excess amount collected by the clerk for general court costs.

SEA 182, P.L. 14 - COURT PROCEDURES

Author: Freeman (R-Indianapolis)

Sponsor: Young (R-Franklin)

- Specifies that an arrest, criminal charge, or juvenile delinquency allegation that results in an adjudication for an infraction does not result in a conviction for purposes of expungement.
- Authorizes a person participating in a pretrial diversion program to file a petition for expungement with the authorization of the prosecuting attorney.
- Requires a court to automatically issue an expungement order, subject to certain exceptions, if:
 - (1) all pending charges or allegations against a person are dismissed;
 - (2) the person is acquitted or the conviction or true finding is vacated;
 - (3) one year has passed since allegations were filed against a juvenile and the state is not pursuing the case; or
 - (4) the person is arrested for a crime and no charges have been filed within 180 days.
- Makes conforming amendments.

SEA 193, P.L. 154 - PROBATE CODE STUDY COMMISSION

Author: Sandlin (R-Indianapolis)

Sponsor: Young (R-Franklin)

- Provides that the chief justice of the supreme court, or the chief justice's designee, is a nonvoting member of the probate code study commission (commission).
- Provides that eight affirmative votes are required for the commission to take final action.



Accelerate Indiana
Municipalities

2022 Criminal Code

HEA 1079, P.L. 92 - ELEMENTS OF RAPE

Author: Negele (R-Attica)

Sponsor: Bohacek (R-Michiana Shores)

- Provides that a person commits rape if the person engages in sexual activity with another person and the person disregards the other person's attempts to refuse the person's acts.

HEA 1137, P.L. 157 - PROTECTIVE ORDERS

Author: Cook (R-Cicero)

Sponsor: Freeman (R-Indianapolis)

- Provides that an order for protection issued ex parte or upon notice and a hearing, or a modification of an order for protection issued ex parte or upon notice and a hearing, is effective:
 - (1) for two years after the date of issuance; or
 - (2) indefinitely after the date of issuance if the respondent is a sex or violent offender and is required to register as a lifetime sex or violent offender and the petitioner was the victim of the crime that resulted in the requirement that the respondent register as a lifetime sex or violent offender.
- Requires a respondent who is subject to an indefinite order for protection to request a hearing in objection to the order of protection within 30 days of the order being issued. Allows any party to request a hearing on a two year order for protection at any time.
- Provides that a person may only request one judicial review hearing on a protection order.

HB 1248, P.L. 96 DIRECT CONTACT WITH SPECIFIED ANIMALS

Author: Abbott (R-Rome City)

Sponsor: Doriot (R-Goshen)

- Prohibits a person that owns or possesses a specified animal from allowing a member of the public to come into direct contact, or enter into a proximity that allows for or permits direct contact, with the specified animal.
- Prohibits the department of natural resources from adopting a rule to designate additional specified animals.
- Requires that a person who owns a specified animal must have a commercial animal dealer, breeder, or exhibitor's license issued by the United States Department of Agriculture.
- Provides that a violation of the law is a Class B infraction.
- Excludes from the substance of the bill physical contact or proximity between certain persons and a specified animal.
- Defines terms.

HEA 1296, P.L. 175 - FIREARMS MATTERS

Author: Smaltz (R- Auburn)

Sponsor: Koch (R-Bedford)

- Repeals the law that requires a person to obtain a license to carry a handgun in Indiana.
- Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana.
- Prohibits certain individuals from knowingly or intentionally carrying a handgun.
- Creates the crime of "unlawful carrying of a handgun" and specifies the penalties for committing this crime.
- Allows particular individuals who do not meet the requirements to receive a handgun license and are not otherwise prohibited to carry a handgun in limited places.
- Allows a resident of Indiana to obtain in certain circumstances a license to carry a handgun in Indiana.
- Makes theft of a firearm a Level 5 felony.
- Defines certain terms.
- Makes conforming amendments and repeals obsolete provisions.

HEA 1300, P.L. 147 - BAIL

Author: Mayfield (R-Martinsville)

Sponsor: Freeman (R-Indianapolis)

- Defines “charitable bail organization” and allows a charitable organization to pay bail on behalf of specified defendants if the organization meets certain criteria and is certified by the commissioner of the department of insurance (commissioner).
- Specifies the circumstances under which a certification may be revoked, and exempts from the certification requirement a person that pays bail for:
 - (1) not more than three individuals in any 180 day period; or
 - (2) a relative.
- Requires the commissioner to adopt rules, including emergency rules, for the certification of charitable bail organizations.
- Prohibits the state and a political subdivision from:
 - (1) posting bail for any person; or
 - (2) for the purpose of posting bail for any person, providing a grant or other funding, directly or indirectly, to an entity that posts bail for any person.
- Requires a person paying cash bail, including a charitable bail organization, to execute an agreement allowing the court to retain all or part of the bail to pay certain court costs.
- Requires that bail be returned to the person who posted it.
- Provides that a case management system developed and operated by the office of judicial administration must include a searchable field for certain information of the bail agent or a person authorized by the surety that pays bail for an individual.

HEA 1359, P.L. 101 - JUVENILE LAW MATTERS

Author: McNamara (R-Evansville)

Sponsor: Crider (R-Greenfield)

- Requires the commission on improving the status of children in Indiana (commission) to create a statewide juvenile justice oversight body (oversight body) to do the following:
 - (1) Develop a plan to collect and report statewide juvenile justice data.
 - (2) Establish procedures and policies related to the use of certain screening tools and assessments.
 - (3) Develop a statewide plan to address the provision of broader behavioral health services to children in the juvenile justice system.
 - (4) Develop a plan for the provision of transitional services for a child who is a ward of the department of correction.
 - (5) Develop a plan for the juvenile diversion and community alternatives grant programs.
- Provides that the oversight body shall, not later than July 1, 2023, submit to the commission and the legislative council:
 - (1) the plan for the juvenile diversion and community alternatives grant programs; and
 - (2) the juvenile justice data collection plan and the plan for the use of screening tools, assessments, and services.
- Requires the judicial conference of Indiana to develop statewide juvenile probation standards that are aligned with research based practices, and requires the board of directors of the judicial conference of Indiana to approve the standards by July 1, 2023.
- Requires the use of a risk and needs assessment tool, a risk screening tool, and a diagnostic assessment when evaluating a child at specific points in the juvenile justice system to identify the child’s risk for reoffense.
- Requires an intake officer and the juvenile court to use the results of a detention tool to inform the use of secure detention and document the reason for the use of detention if the tool is overridden.
- Requires a court to:
 - (1) after use of a detention tool, include in a court order the reason for a juvenile detention override; and

- (2) submit details of the juvenile detention override to the office of judicial administration (office).
- Requires the office to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes information about a court's use of a detention tool and reasons for overriding the results of the detention tool.
- Provides that a child less than 12 years of age cannot be detained unless detention is essential to protect the community and no reasonable alternatives exist to reduce the risk.
- Establishes a procedure for juvenile diversion.
- Requires the office to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes data on any child diverted through the juvenile diversion program. Repeals provisions requiring a child who participates in a program of informal adjustment to pay an informal adjustment program fee.
- Provides that a child who is a ward of the department of correction may receive at least three months of transitional services to support reintegration of the child back into the community and to reduce recidivism.
- Requires the department of correction to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes collected data that will help assess the impact of reintegration improvements for juveniles, including tracking recidivism beyond incarceration and into the adult system.
- Provides that a juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment.
- Establishes:
 - (1) the juvenile diversion and community alternatives grant programs and grant programs fund; and
 - (2) the juvenile behavioral health competitive grant pilot program and grant pilot program fund; as of July 1, 2023.
- Requires the Indiana criminal justice institute (institute) to administer each program and fund. Requires the local or regional justice reinvestment advisory council or another local collaborative body to oversee certain juvenile community alternatives grants awarded to a county.
- Requires the institute to prepare an annual report to the governor, chief justice, and legislative council before December 1 of each year that details certain performance measures that counties receiving grants must collect and report.
- Requires the office of judicial administration to administer the statewide juvenile justice data aggregation plan.
- Makes conforming changes.
- Makes a technical correction.

SEA 70, P.L. 5 - OBSTRUCTION OF JUSTICE

Author: Crider (R-Greenfield)

Sponsor: McNamara (R-Evansville)

- Provides that a person commits obstruction of justice if the person induces a witness in a legal proceeding to:
 - (1) withhold or delay producing evidence that the witness is legally required to produce;
 - (2) avoid a subpoena or court order;
 - (3) not appear at a proceeding to which the witness has been summoned; or
 - (4) give a false or materially misleading statement.
- Provides that a person commits obstruction of justice, as a Level 5 felony, if the person induces a witness to give a false or materially misleading statement during the investigation or pendency of a domestic violence or child abuse case.
- Establishes a uniform definition of "communicates" for the criminal code.
- Makes other changes and conforming amendments.

SEA 155, P.L. 153 - HUMAN TRAFFICKING

Author: Crider (R-Greenfield)

Sponsor: McNamara (R-Evansville)

- Modifies the definition of “protected person” for purposes of the admission of a statement or videotape of an individual who is less than 14 years of age at the time of the offense but less than 18 years of age at the time of trial.
- Provides that a person who knowingly or intentionally:
 - (1) pays, or offers or agrees to pay, money or other property; or
 - (2) offers a benefit; for a human trafficking victim with the specific intent to induce or obtain the product or act for which the human trafficking victim was trafficked commits human trafficking, a Level 4 felony.
- Specifies that consent by the human trafficking victim is not a defense to a prosecution.
- Requires law enforcement agencies to report human trafficking investigations to the attorney general within 30 days after an investigation begins.
- Makes a technical correction.

SEA 336, P.L. 25 - RACKETEERING AND FRAUD

Author: Young (R-Indianapolis)

Sponsor: Young (R-Franklin)

- Specifies that “racketeering activity”, for purposes of the crime of corrupt business influence, includes certain forgery, fraud, and deception offenses.

SEA 347, P.L. 64 - TRIBAL LAW ENFORCEMENT

Author: Mishler (R-Bremen)

Sponsor: Teshka (R-South Bend)

- Authorizes police officers appointed by a tribe to exercise police powers in Indiana if the tribal police officer meets the standards of the Indiana law enforcement academy.
- Provides that a tribe may authorize a tribal police officer to exercise police powers in the entire state, or in any part of the state, if certain conditions are met.
- Requires a tribe seeking to employ an individual as a tribal police officer who will exercise police powers in Indiana to request the individual’s employment history, if the individual was previously employed by a law enforcement agency.
- Makes conforming amendments.



Accelerate Indiana
Municipalities

2022

Environmental

HEA 1103, P.L. 141 - DEPARTMENT OF NATURAL RESOURCES

Author: Eberhart (R-Shelbyville)

Sponsor: Glick (R-LaGrange)

- Repeals code provisions regarding commercial fishing on Lake Michigan.
- Removes the requirement that the director of the department of natural resources (department) send, to a person who has a license that is placed on probationary status, notice that includes a description of the amount of child support in arrears and an explanation of the procedures to pay child support arrearage. Repeals the mussels license issued by the department.
- Provides that a law enforcement officer or an employee of the department is not liable for the destruction of a permitted animal that escapes an enclosure and poses a threat to public safety.
- Provides instances when a construction permit for a floodway is not required to remove a logjam or mass of wood debris that has accumulated in a river or stream.
- Provides that, beginning January 1, 2022, the director of the department shall not exercise authority to remove or eliminate an abode or residence from a floodway if the abode or residence was constructed before January 1, 2022. (Current law provides that the director of the department shall not exercise the authority if the residence or abode was constructed before January 1, 2020.)
- Provides that before July 1, 2023, the department shall adopt a license for the removal of trees; channel maintenance; and bank reconstruction, repair, and stabilization in a floodway.
- Provides that a local floodplain administrator shall utilize the best floodplain mapping data available as provided by the department and located on the Indiana Floodplain Information Portal when reviewing a permit application for a structure or a construction activity in, or near, a floodplain.
- Provides that a contract to purchase timber must be in writing. Allows the collection of damages for costs associated with a claim or action, including attorney's fees, or damages specified in a contract with a timber buyer or a person who cuts timber but is not a timber buyer.
- Requires a timber buyer to keep complete and accurate records for at least five years after a transaction.
- Allows the director of the department to suspend a timber buyer's license for not more than 90 days before a final adjudication if the director of the department finds that the holder of the timber buyer's license poses a clear and immediate danger to public health, safety, or property if allowed to continue to operate.
- Provides that the director of the department may renew the suspension for periods of not more than 90 days.
- Makes technical and conforming changes.

HEA 1209, P.L. 163 - CARBON SEQUESTRATION PROJECTS

Author: Soliday (R-Valparaiso)

Sponsor: Glick (R-LaGrange)

- Provides for the mechanism for underground storage of carbon dioxide in Indiana.
- Provides that the new chapter does not apply to the carbon sequestration pilot project established pursuant to IC 14-39-1.
- Makes conforming changes.

SEA 85, P.L. 7 - DRAINAGE TASK FORCE

Author: Leising (R-Oldenburg)

Sponsor: Lehe (R-Brookston)

- Establishes a drainage task force consisting of six members of the senate, six members of the house of representatives, and seven other individuals.
- Requires the task force to:
 - (1) review the responsibilities of landowners and state and local authorities under current laws relating to the drainage of land;

- (2) make certain determinations concerning drainage and regulatory matters; and
- (3) determine whether the balance between state authority and local authority over drainage of agricultural land favors state authority more in Indiana than in neighboring states.
- Authorizes the task force to make recommendations. Requires the task force to issue a report and, not later than December 1, 2023, submit the report to the executive director of the legislative services agency for distribution to the members of the general assembly and to the governor.

SEA 186, P.L. 127 - DEPARTMENT OF NATURAL RESOURCES

Author: Glick (R-LaGrange)

Sponsor: Eberhart (R-Shelbyville)

- Eliminates and renames divisions and bureaus that have been merged by the department of natural resources (department) due to reorganization that occurred within the department.
- Establishes the Indiana state park inns authority (authority) as a body corporate and politic for the operation, management, and administration of inns and associated facilities by the department.
- Allows the authority to purchase service credit (subject to certain conditions) for prior service by an employee of the authority.
- Eliminates the separate hunting license by including a crossbow and bolt in the licensure for archery equipment permitted to be used.
- Requires the division of fish and wildlife to meet with representatives of certain organizations concerning certain issues and to submit recommendations to the general assembly.
- Makes conforming changes.

SEA 269, P.L. 129 - REGULATION OF DAMS

Author: Donato (R-Logansport)

Sponsor: Manning (R-Denver)

- Provides that the laws regulating dams do not apply to a structure that is a low hazard dam or significant hazard dam that meets only one of the following conditions:
 - (1) Has a drainage area above the dam of not more than one square mile.
 - (2) Does not exceed 20 feet in height.
 - (3) Does not impound a volume of more than 100 acre-feet of water.
- Requires the department of natural resources (department) to establish a classification system for dams based on:
 - (1) the height of the structure and the volume of water impounded by the structure; and
 - (2) the force of the water and the likely consequences resulting from the uncontrolled release of its contents due to a failure or misoperation of the structure.
- Changes the standard to determine potential consequences for a failure from “may cause” to “likely to cause”.
- Provides that for a dam constructed after June 30, 2022, if the department determines that the property owner’s structure is a high hazard, significant hazard, or low hazard dam, the department shall provide the property owner with a notice stating the classification of the dam that the property owner owns.
- Requires that, notwithstanding an engineering inspection performed by the property owner or a consultant of the property owner, the department provide the property owner notice at least five days before performing an inspection.
- Requires the property owner of a high hazard dam to prepare an emergency action plan and provide a copy to the department and the emergency management agency.
- Provides that changes to the law do not affect past inspections.

SEA 271, P.L. 155 - SMALL MODULAR NUCLEAR REACTORS

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

- Amends the statute governing certificates of public convenience and necessity (certificates) that are issued by the Indiana utility regulatory commission (IURC) for the construction, lease, or purchase of electric generation facilities to require the IURC, in consultation with the department of environmental management (department), to adopt rules concerning the granting of certificates for the construction, purchase, or lease of small modular nuclear reactors:
 - (1) in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or
 - (2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.
- Requires the IURC to adopt the rules not later than July 1, 2023.
- Provides that the rules adopted by the IURC must provide that in acting on a public utility's petition for a certificate for one or more small modular nuclear reactors, the IURC shall consider the following:
 - (1) Whether, and to what extent, the one or more small modular nuclear reactors proposed by the public utility will replace a loss of generating capacity in the public utility's portfolio resulting from the retirement or planned retirement of one or more of existing electric generating facilities that:
 - (A) are located in Indiana; and
 - (B) use coal or natural gas as a fuel source.
 - (2) Whether one or more of the small modular nuclear reactors will be located on the same site as or near the facility to be retired and, if so, potential opportunities for the public utility to:
 - (A) make use of any land and existing infrastructure or facilities already owned or under the control of the public utility; or
 - (B) create new employment opportunities for workers who have been, or would be, displaced as a result of the retirement of the existing facility.
- Provides that the IURC's rules must provide that the IURC may grant a certificate under circumstances and for locations other than these.
- Sets forth additional requirements for small modular nuclear reactors that must be included in the IURC's rules, including the requirement that the owner or operator of a proposed small modular nuclear reactor must provide evidence of a plan to apply for all licenses or permits to construct or operate the proposed small modular nuclear reactor required by the United States Nuclear Regulatory Commission, the department, or any other relevant state or federal regulatory agency.
- Amends the statute providing certain financial incentives for energy utilities that invest in clean energy projects by providing that, for purposes of the statute, a "clean energy project" and a "nuclear energy production or generating facility" include a small modular nuclear reactor that is constructed after June 30, 2023:
 - (1) in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or
 - (2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011; under the rules adopted by the IURC under the bill.
- Defines "small modular nuclear reactor" for purposes of the bill's provisions.

SEA 342, P.L. 133 - FLOOD PLAIN MANAGEMENT

Author: Raatz (R-Richmond)

Sponsor: Barrett (R-Richmond)

- Provides that in a county having a population within certain parameters, a local flood plain administrator may issue a variance allowing a structure located in a floodway to remain in its location without a permit issued by the director of the department of natural resources if the structure is an abode or residence, a permit for the construction of the abode or residence was issued by the appropriate official of the county before December 19, 2018, and other conditions are met.

SEA 374, P.L. 27 - REGIONAL WATER OR SEWER DISTRICT SERVICE AREAS

Author: Messmer (R-Jasper)

Sponsor: Lindauer (R-Jasper)

Aim Comments:

SEA 374, authored by Sen. Mark Messmer (R-Jasper) and Rep. Shane Lindauer (R-Jasper) clarifies that if a regional sewer or water district is serving a customer base and has debt obligations, a municipally owned utility cannot serve those customers after an annexation while the loan remains outstanding. Sen. Messmer authored this language on behalf of a district in his community who was having issues securing a loan due to concerns about changes in their customer base. The bill was amended on second reading to clarify that if customers in the district's territory or not receiving service, another utility can provide the service.

- Provides that the services in those parts of a regional water, sewage, or solid waste district (district) in which they are provided or made available by the district shall not be curtailed or limited by:
 - (1) the inclusion of all or part of the district's territory, by annexation or otherwise, within the boundaries of:
 - (A) any municipality; or
 - (B) the service territory of another provider of the same services; or
 - (2) the granting of any private franchise to provide the same services within all or part of the district's territory; during the term of any loan under which the district is obligated, regardless of whether the loan is made by a public or private lender.
- Provides that the occurrence of any of these events does not require a district to secure any franchise, license, or permit as a condition to continuing to provide service to any part of the district's territory served by the district at the time of the occurrence of the event.

SEA 381, P.L. 28 - REGULATION OF RADIOACTIVE MATERIAL

Author: Crider (R-Greenfield)

Sponsor: Frye (R- Greensburg)

- Establishes Indiana as a nuclear regulatory agreement state upon approval by the U.S. Nuclear Regulatory Commission (commission) and the signing of an agreement by the governor and the chairman of the commission.
- Establishes the policies and purposes of the agreement in regulating certain radioactive items.
- Provides that the Indiana department of homeland security (department) is responsible for carrying out the duties of the agreement.
- Tasks the department to create rules, regulations, and protocols for the enforcement of the agreement.
- Requires the department to create licensing procedures for radioactive materials.
- Provides that the department shall create fee structures for the regulation of various radioactive services.
- Establishes the radiation site closure and disposal fund and the radiation long-term care fund.
- Permits the department to enter public and private property to ensure compliance with

radiation regulations under certain conditions.

- Provides that the governor and the department may enter into agreements with the commission.
- Supersedes municipality or county regulation of certain radioactive materials.
- Prohibits the use or possession of certain radioactive materials unless licensed by the department.
- Grants the department emergency authority to impound radioactive materials in the possession of a person who is not in compliance with the department.
- Provides civil penalties for violations of certain rules.



Accelerate Indiana
Municipalities

2022 Healthy Communities

HEA 1001, P.L. 1 - ADMINISTRATIVE AUTHORITY; COVID-19 IMMUNIZATIONS

Author: Messmer (R-Jasper)

Sponsor: Lehman (R-Berne)

Aim Comments:

HEA 1001, authored by Rep. Matt Lehman (R-Berne) and Sen. Mark Messmer (R-Jasper) was a priority bill for legislative leadership to address issues surrounding the pandemic. Included in the bill are multiple provisions that allowed the State of Indiana to continue receiving funds from the federal government after Governor Holcomb ended the state's emergency order, which he ultimately did. The legislation also clarifies the immunity passport language which passed last session to apply to all "Indiana governmental entities." Ultimately, the language still prevents a municipality from requiring employees to show an immunization passport.

The language also clarifies that an employer can only require vaccination if the employer offers three exemptions to employees, including medical and religious reasons or the employee has immunity from COVID-19 acquired from a prior infection with COVID-19. Allows the secretary of family and social services (secretary) to issue a waiver of human services statutory provisions and administrative rules if the secretary determines that the waiver is necessary to claim certain enhanced federal matching funds available to the Medicaid program.

- Allows the secretary to issue an emergency declaration for purposes of participating in specified authorized federal Supplemental Nutrition Assistance Program (SNAP) emergency allotments. Requires the secretary to prepare and submit any waivers or emergency declarations to the budget committee.
- Allows the state health commissioner of the state department of health or the commissioner's designated public health authority to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least five years old (current law limits the age for the commissioner's issuance of standing orders, prescriptions, and protocols for individuals who are at least 11 years old).
- Defines "Indiana governmental entity" and specifies that an Indiana governmental entity (current law refers to a state or local unit) may not issue or require an immunization passport. Provides that an individual is not disqualified from unemployment benefits if the individual has complied with the requirements for seeking an exemption from an employer's COVID-19 immunization requirements and was discharged from employment for failing or refusing to receive an immunization against COVID-19.
- Provides that an employer may not impose a requirement that employees receive an immunization against COVID-19 unless the employer provides individual exemptions that allow an employee to opt out of the requirement on the basis of medical reasons, religious reasons, or immunity from COVID-19 acquired from a prior infection with COVID-19.

HEA 1169, P.L. 143 - HEALTH MATTERS

Author: Clere (R-New Albany)

Sponsor: Crider (R-Greenfield)

- Prohibits certain health insurance plans from requiring authorization for covered early intervention services under an individualized family service plan signed by an advanced practice registered nurse (APRN) or a physician assistant (PA).
- Changes the composition and duties of the division of disability and rehabilitative services advisory council.
- Repeals and relocates laws concerning:
 - (1) rules regulating the sanitary operation of tattoo parlors and body piercing facilities;
 - (2) allowing the executive board of the state department of health (board) to adopt rules on behalf of the state department of health (department);
 - (3) allowing the board to adopt emergency rules;

- (4) sanitation of public buildings and institutions; and
- (5) authority to adopt rules concerning the federal Clinical Laboratory Improvement Amendments.
- Repeals laws concerning:
 - (1) safety guidelines for children during bad weather conditions;
 - (2) automated external defibrillator rules in health clubs;
 - (3) requiring the state health commissioner (commissioner) to comment on certain rules;
 - (4) fees for serological tests;
 - (5) the administrative unit for special institutions;
 - (6) protection and regulation of department property; and
 - (7) the registry of blind persons.
- Removes intemperance as a reason to remove a local health officer.
- Specifies that the department may request the office of administrative law proceedings to designate a person to administer a proceeding.
- Requires the department to provide facilities and disseminate information to the public concerning oral public health.
- Allows the department to have a designee to maintain a 24 hour poisons answering service.
- Adds information on prenatal care to the department's telephone information service concerning children with long term health care needs.
- Changes the reference from "illegal drug use" to "substance abuse disorder" for purposes of partnership and joint ventures with the department.
- Requires the department to employ a licensed physician as the chief medical officer.
- Allows the chief medical officer to perform the functions of the commissioner when the commissioner is not available.
- Specifies that the state health laboratory (laboratory) must be used to support public health. Changes the title of the person who manages the laboratory.
- Removes certain requirements concerning the appointment of the laboratory director and chemist.
- Removes a requirement that a director must report to the commissioner.
- Requires holders of a certificate of public advantage to pay for reasonable charges incurred by the department.
- Provides that home health agencies may enter into cooperative agreements to carry out the following activities for the Hoosier Care Connect program:
 - (1) To form and operate, either directly or indirectly, one or more networks of home health agencies to arrange for the provision of health care services through such networks.
 - (2) To contract, either directly or through such networks, with the office of the secretary of family and social services, or the office's contractors, to provide:
 - (A) services to Medicaid beneficiaries; and
 - (B) health care services in an efficient and cost effective manner on a prepaid, capitation, or other reimbursement basis.
 - (3) To undertake other managed health care activities.
- Provides that a home health agency may authorize an association, corporation, or other person to undertake or effectuate any of these activities.
- Requires the secretary of family and social services to oversee and supervise these activities.
- Changes the requirement that the department "shall" to "may" use information compiled by a public or private entity to the greatest extent possible to develop a chronic disease registry.
- Allows the department to issue a certificate of free sale to a business that meets certain requirements.
- Amends the definition of "person" for purposes of the state health improvement plan and grant program.
- Amends the definition of "deaf or hard of hearing" for purposes of the laws governing language development for children who are deaf or hard of hearing.
- Changes the membership on the Indiana board of pharmacy.

- Removes the requirement that a qualifying pharmacist is responsible for the legal operations of a pharmacy.
- Amends references to certain pharmacy school accreditation organizations.
- Specifies responsibilities of pharmacists concerning duties previously responsible by a qualifying pharmacist.
- Allows a qualified pharmacy technician to administer immunizations delegated by the pharmacist. (Current law allows pharmacy technicians to administer influenza and coronavirus disease immunizations.)
- Amends requirements for remote pharmacies.
- Adds an exception to the definition of “wholesale distribution” for prescription drugs. Authorizes an APRN to sign an order or referral for physical therapy.
- Requires a health insurance plan to provide coverage for diabetes self-management training ordered by an APRN or PA.
- Provides that a county coroner may not certify the cause of death for certain infants as a sudden unexplained infant death until a comprehensive death investigation is performed.
- Makes conforming changes.

HEA 1193, P.L. 72 - OPIOID LITIGATION

Author: Karickhoff (R-Kokomo)

Sponsor: Mishler (R-Bremen)

Aim Comments:

An estimated \$26 billion nationwide settlement was reached in litigation against manufacturer Janssen Pharmaceuticals, Inc., its parent company Johnson & Johnson, and the distributors McKesson, Cardinal Health, and Amerisource Bergen. The settlement provides funds to the states and their political subdivisions for abatement and remediation of the opioid crisis. Approximately \$12.1 billion will be distributed to the states based off population size and the impact of the opioid crisis as a base payment. An additional \$10.6 billion will be allocated as an incentive based on the participation of political subdivisions.

HEA 1193 changes the date by which an entity may opt back into the state’s opioid litigation settlement and removes certain requirements concerning the payment of costs, expenses, and attorney’s fees and costs that arose from the opioid litigation. The original opt in date was January 2, 2022, but has been changed to July 15, 2022.

The language also changes the basis by which the agency settlement fund distributes funds to cities, towns, and counties. It reduces the percentage of opioid litigation settlement funds distributed for use of statewide treatment, education, and prevention programs for opioid use disorder. The language also provides that 35% of opioid litigation settlement funds are to be distributed to cities, towns, and counties for programs for treatment prevention, and care that are best practices for opioid use disorder. For cities and towns who are set to receive under \$1,000 in the annual distribution, the distribution will go to the counties.

Funds received from the opioid settlement may not be distributed to a city, town, or county that has opted out of the settlement and that the remaining funds shall be distributed to the cities, towns, or counties that have opted into the settlement.

- Amends the deadline by which a political subdivision may opt back in to an opioid litigation settlement.
- Requires a political subdivision to submit a copy of the agreement executed between the political subdivision and the private legal counsel of the political subdivision when opting back into the opioid litigation settlement.
- Removes language providing that no political subdivision has any claim to any settlement

- proceeds for litigation against any opioid party not yet filed by the state as of a certain date.
- Removes certain requirements concerning the payment of costs, expenses, and attorney's fees and costs arising from opioid litigation.
- Changes the basis by which the agency settlement fund distributes funds to cities, counties, and towns. Reduces the percentage of opioid litigation settlement funds distributed for use of statewide treatment, education, and prevention programs for opioid use disorder.
- Provides that 35% of opioid litigation settlement funds are to be distributed to cities, counties, and towns for programs for treatment, prevention, and care that are best practices for opioid use disorder.
- Provides that funds received from the opioid settlement may not be distributed to a city, county, or town that has opted out of the settlement and that the remaining funds shall be distributed to the cities, counties, or towns that have opted into the settlement.

HEA 1226, P.L. 120 - SOLID WASTE MATTERS

Author: Speedy (R-Indianapolis)

Sponsor: Messmer (R-Jasper)

- Establishes the central Indiana waste diversion pilot project (pilot project).
- Requires the department of environmental management to:
 - (1) develop pilot project application forms;
 - (2) make the forms available on or before July 1, 2022;
 - (3) accept applications through October 1, 2022; and
 - (4) provide recommendations to the Indiana recycling market development board (board) on or before December 1, 2022.
- Requires the board to award not more than \$4,000,000 in total to applicants chosen to participate in the pilot project.
- Limits the pilot project to Marion County.
- Amends the definition of "solid waste" to exclude materials that are used in creating a product and that meet other conditions.
- Provides that:
 - (1) a transfer station or treatment, storage, or disposal facility that holds a permit to handle hazardous waste may also handle solid waste;
 - (2) solid waste that is managed at a transfer station or a treatment, storage, or disposal facility shall not be allowed to come into direct contact with hazardous waste, and any solid waste that does come into direct contact with hazardous waste shall then be managed as hazardous waste; and
 - (3) the environmental rules board (rules board) shall amend 329 IAC 11 to conform to these provisions.
- Requires the rules board to expeditiously adopt by rule all waste regulation exemptions or exclusions as that are adopted by the United States Environmental Protection Agency (EPA) and set forth in the federal rule on the identification and listing of hazardous waste.
- Provides that until certain federal rule amendments that were adopted by the EPA on May 30, 2018, are adopted by the rules board, those amendments apply to the identification and listing of hazardous waste in Indiana just as if the amendments were already incorporated by reference into the rules of the rule board on the identification and listing of hazardous waste.
- Provides that:
 - (1) the disposal of non-hazardous coal mining waste and coal combustion residuals at a surface coal mining facility; and
 - (2) the use of coal combustion residuals as raw material for manufacturing another product or for eight other particular uses; are not subject to regulation under the solid waste rules.
- Makes corresponding changes.

HEA 1286, P.L. 37 - REQUEST FOR PROPOSALS FOR SOLID WASTE CONTRACTS

Author: Carbaugh (R- Fort Wayne)

Sponsor: Busch (R-Fort Wayne)

- Authorizes a town or a city other than Indianapolis to enter into a contract for the collection and disposal of solid waste through a request for proposals process instead of an invitation for bids process.
- Establishes a request for proposals procedure under which a town or a city other than Indianapolis may enter into a contract for the collection and disposal of solid waste.

SEA 185, P.L. 107 - NEWBORN SAFETY DEVICE

Author: Holdman (R-Markle)

Sponsor: Carbaugh (R-Fort Wayne)

- Modifies the newborn safety device requirements that apply to a fire department.
- Modifies the immunity provisions applicable to certain individuals and entities that take custody of a child or operate a newborn safety device.
- Makes conforming changes.



Accelerate Indiana
Municipalities

2022

Infrastructure
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HEA 1110, P.L. 116 - ANNEXATION OF RESIDENTIAL DEVELOPMENT

Author: Soliday (R-Valparaiso)

Sponsor: Charbonneau (R-Valparaiso)

- Allows a class three city to annex:
 - (1) a noncontiguous residential development; and
 - (2) the right of way of a public highway connecting the development to the city.
- Provides that annexation is initiated by:
 - (1) the homeowner's association board petitioning the city legislative body for annexation of the development; and
 - (2) the city legislative body adopting a resolution approving initiation of the annexation process.
- Requires the city to satisfy statutory requirements for annexation including adopting a written fiscal plan and annexation ordinance and conducting an outreach program.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.

HEA 1167, P.L. 118 - BUREAU OF MOTOR VEHICLES

Author: Pressel (R-Rolling Prairie)

Sponsor: Crider (R-Greenfield)

- Allows an advanced practice registered nurse to sign certain health documents concerning driving privileges.
- Requires the bureau of motor vehicles (bureau) to establish and maintain an audit working group.
- Provides that meetings of the audit working group are not subject to open door laws.
- Provides that the bureau, rather than the state board of accounts, is required to conduct an audit of each license branch.
- Amends certain dates regarding the statewide electronic lien and title system (system). Removes system provisions concerning qualified service provider payments, participation notification, and annual fees.
- Provides that the bureau and participating qualified service providers or lienholders may charge certain system fees, but sunsets the provisions on July 1, 2025.
- Amends dates concerning the voluntary or required use of the system.
- Requires the bureau to distribute at least one time each month the fees collected and deposited from certain special group recognition license plates.
- Repeals the law providing for the Earlham College trust license plate.
- Provides that interference with highway traffic is considered unreasonable if the interference occurs for more than 10 consecutive minutes except for:
 - (1) machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities; and
 - (2) firefighting apparatus owned or operated by a political subdivision or a volunteer fire department.
- Provides that a public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than three business days after obtaining the name and address, notify the owner of the vehicle and any lienholder on the vehicle, as indicated by the certificate of title or as discovered by a search of the National Motor Vehicle Title Information System or an equivalent and commonly available data base.
- Requires the bureau to process an electronic application for a certificate of authority not more than five business days after the submission of the application if the application meets certain requirements.
- Provides that an individual is not required to be a citizen of the United States as shown in the records of the bureau to apply for a replacement driver's license or learner's permit by electronic service.
- Provides that a suspension for failure to satisfy a judgment imposed before December 31, 2021

terminates on December 31, 2024.

- Removes the requirement that the bureau collect an administrative penalty if a dealer fails to apply for a certificate of title for a motor vehicle that is purchased or acquired in a state that does not have a certificate of title law.
- Provides that a manufacturer or distributor may not sell or offer to sell, directly or indirectly, a new motor vehicle to the general public in Indiana except through a new motor vehicle dealer holding a franchise for the line make covering the new motor vehicle.
- Provides that the sales of new motor vehicles by a manufacturer or franchisor to the federal government, a charitable organization, an employee of the manufacturer or distributor, or a manufacturer or distributor under certain conditions.
- Provides that an individual subject to both an administrative license suspension and a court ordered license suspension must file a petition for specialized driving privileges in the court that ordered the suspension.
- Repeals a statute requiring the use of a turn signal 200 feet before making a turn.
- Makes technical corrections.

HEA 1245, P.L. 167 - CONNECTIONS TO WATER AND SEWER SYSTEMS

Author: Pressel (R-Rolling Prairie)

Sponsor: Koch (R-Bedford)

Aim Comments:

HEA 1245 prohibits municipal utilities from including costs in aid of construction in capacity-related fees or tap fees. Costs in aid of construction usually refers to costs associated with system-wide improvements fees such as system development charges, interceptor fees, or availability fees. It also creates a process by which these fees can be challenged and reviewed by the IURC after the property owner has an informal mediation with the utility.

These changes may require municipal utilities to review their fee structures to ensure they are in compliance with the new law and may require you to consult with your financial advisor to ensure you can adequately fund your necessary utility improvements without running afoul of the new provisions.

This bill also allows any qualified inspector to verify the compliance of a septic system without the ability of the local health department to sign off on the approval. It also prevents ordinances that regulate septic systems more stringently than Indiana State Department of Health guidelines starting July 1, 2023.

- Prohibits:
 - (1) a local unit; or
 - (2) a water or wastewater utility;that is not under the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges from charging or collecting from a property owner a capacity related fee or a tap fee either of which is established after June 30, 2022, and that includes contributions in aid of construction.
- Provides that if a local unit or a utility charges a property owner a capacity related fee or a tap fee that is established after June 30, 2022, and that is based, in whole or in part, on contributions in aid of construction, the property owner is entitled to request to meet with the local unit or the utility to review:
 - (1) the engineering and financial analyses the fee was based on; and
 - (2) if applicable, the ordinance adopting the fee.
- Requires a local unit or a utility to meet with a property owner for such a review not later than 30 days after receipt of the property owner's request.
- Provides that if a meeting and review does not result in a satisfactory resolution, the property

- owner may file with the IURC a petition challenging the fee.
- Provides that if the IURC determines the capacity related fee or tap fee is based in whole or in part on contributions in aid of construction, the IURC shall:
 - (1) invalidate the fee; or
 - (2) modify the fee to comply with these provisions.
- Amends the statute that provides an exemption from the requirement to connect to a regional sewer district's sewer system to a property owner whose septic tank soil absorption system was new at the time of installation as follows:
 - (1) Provides that the local health department's designee or a qualified inspector (in addition to the local health department) may approve the property owner's septic tank soil absorption system at the time of installation.
 - (2) Provides that the 10 year exemption is measured from the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing. (Current law provides that the 10 year exemption is measured from the date the new septic tank soil absorption system was installed.)
- Defines "residential onsite sewage system" as the term is defined by the state department of health (department) in the department's rule concerning residential onsite sewage systems (department's rule).
- Changes instances of the term "residential septic system" in current law to the term "residential onsite sewage system".
- Prohibits a local health department from refusing an application for a permit for a residential onsite sewage system solely because the residential onsite sewage system has not been used previously in the jurisdiction of the local health department or is unfamiliar to the local health department, if the residential onsite sewage system has been approved for general use in Indiana by the department's technical review panel.
- Provides that if the local health department in one jurisdiction has issued a permit for a particular type of residential onsite sewage system, the local health department in another jurisdiction may not refuse to issue a permit for a residential onsite sewage system of that same type if:
 - (1) a registered professional engineer;
 - (2) a registered soil scientist;
 - (3) a residential onsite sewage system installer; and
 - (4) (if applicable) the designer of the residential onsite sewage system; approve of the use of that type of system in the second jurisdiction.
- Provides that if a registered professional engineer certifies:
 - (1) that the location, design, proposed construction, and proposed installation of a planned residential onsite sewage system comply with the department's rule, a local health department may not disapprove an application for a permit for the residential onsite sewage system;
 - (2) that the design, construction, installation, location, maintenance, and operation of an existing residential onsite sewage system comply with the department's rule, a local health department may not issue an order on the basis that the residential onsite sewage system is a failed system; and
 - (3) that an existing residential onsite sewage system is not functioning properly but can be restored to proper functioning through repair, a local health department must allow the repair of the residential onsite sewage system to be made in accordance with the certification of the professional engineer.
- Provides that a local health department may not deny a permit for a residential onsite sewage system in a particular location on the grounds that the soil of the location is too heavily compacted if a registered soil scientist certifies that the soil can be made suitable for the residential onsite sewage system in not more than two years through the planting of plants that loosen and aerate the soil or through other means.
- Provides that after June 30, 2023, a local ordinance or a local health department may not

impose residential onsite sewage system requirements, restrictions, or conditions that are more stringent than those of the department's rule.

- Requires a local health department to issue, in certain circumstances, a permit for a residential onsite sewage system not more than 30 business days after receiving the application for the permit.
- Effective July 1, 2023, voids a provision of the department's rule stating that the rule does not prohibit local ordinances from imposing requirements more stringent than the requirements of the department's rule.
- Changes population parameters used in an Indiana Code section concerning the installation of a residential onsite sewage system in fill soil, so as to reflect the population count determined under the 2020 decennial census.
- Amends the Indiana Code section governing the procedures for a proposal to amend or partially repeal a zoning ordinance to require a plan commission to vote on the proposal not later than 60 days after holding the public hearing on the proposal.
- Provides that a property owner whose property is incorporated into the territory of a municipal sanitation district (regardless of whether the property owner has filed a written remonstrance or an appeal with respect to the incorporation) is exempt from a requirement to connect to the district's sewer system and to discontinue use of a sewage disposal system on the property owner's property if:
 - (1) the property owner's sewage disposal system:
 - (A) was new at the time of installation; and
 - (B) was approved in writing by the local health department, the department's designee, or a qualified inspector; and
 - (2) the property owner obtains a written determination from the local health department, the department's designee, or a qualified inspector that the property owner's sewage disposal system is not failing.
- Provides that a property owner who qualifies for this exemption may not be required to connect to the district's sewer system for a period of 10 years beginning on the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing.
- Provides that a property owner may apply for two five-year extensions of the exemption.
- Limits the total period during which a property may be exempt from the requirement to connect to a district's sewer system to not more than 20 years, regardless of ownership of the property.
- Sets forth certain time frames and requirements that apply to a property owner who seeks to claim the exemption.
- Provides that this exemption does not apply to a property owner whose property is incorporated into a district if:
 - (1) the district has received approval from the Indiana finance authority before January 1, 2022, of a preliminary engineering report:
 - (A) for a project to construct the sewer line to which the property owner's property is being required to connect; and
 - (B) in connection with funding from the wastewater or drinking water revolving loan program; and
 - (2) the timing and requirements for connection to the district's sewer system are the same for all property owners being required to connect to the district's sewer system under the terms of the project.

HEA 1306, P.L. 99 - HOUSING TASK FORCE

Author: Miller (R-Elkhart)

Sponsor: Doriot (R-Goshen)

- Establishes the housing task force to review issues related to housing and housing shortages in Indiana.
- Sets forth membership and requires the task force to issue a report to the general assembly

and the governor not later than November 1, 2022.

HEA 1314, P.L. 170 - PUBLIC SAFETY MATTERS

Author: Barrett (R-Richmond)

Sponsor: Walker, K (R-Lawrence)

- Provides that a surviving spouse or child of a department of homeland security (department) fire investigator is eligible to receive health coverage under the health coverage plan for active employees provided by the employer.
- Provides that a department fire investigator who is diagnosed with certain health conditions that result in a disability or death is presumed to have incurred the health condition in the line of duty.
- Provides that the Indiana guard reserve (guard) is comprised of volunteer citizens. Provides that the adjutant general (general) may adopt policies for the guard.
- Requires the general to establish certain structures, processes, and organizational controls for the guard.
- Repeals a provision concerning the guard serving outside Indiana.
- Provides that, if called for voluntary service, the guard must follow the rules and procedures of the Indiana national guard and those set by the general.
- Amends a provision to specify that the general may obtain insurance for the guard under certain circumstances. Repeals a provision regarding quarterly pay for the guard.
- Provides that, not later than October 31, 2022, the department, the department of health, the integrated public safety commission, and the statewide 911 board shall submit recommendations regarding:
 - (1) ways the 911 system can increase interoperability to better facilitate an emergency medical services (EMS) response from the closest and most appropriate resource; and
 - (2) the effectiveness of regionalized trauma systems and their impact on patient care; to the executive director of the legislative services agency for distribution to the general assembly.
- Provides that a department fire investigator who is diagnosed with certain cancers or heart or lung disease that results in a disability is presumed to have incurred the health condition in the line of duty.
- Establishes the first responder crisis intervention account within the statewide 9-8-8 trust fund for the purpose of awarding grants to public safety agencies that provide first responder emergency services.
- Provides that the division of mental health and addiction shall administer the account.
- Provides that a fire department is required to report annually to the department information regarding each emergency response by the fire department.
- Provides that, in the event the fire department does not report information regarding emergency responses, the department may determine that the fire department is ineligible to receive grants administered by the department.
- Makes changes to how public safety fees from the retail sale of fireworks are distributed.
- Provides, after June 30, 2023, that the minimum basic training requirements that a volunteer firefighter must complete before the firefighter may perform emergency response duties do not include interior firefighter operations.
- Makes changes to various definitions used in relation to the provision of emergency medical services.
- Provides that the department may (rather than shall, under current law) waive any rule adopted by the emergency medical services commission for a person who provides emergency ambulance service, an emergency medical technician, an advanced emergency medical technician, a paramedic, or an ambulance when operating from a location in an adjoining state.
- Makes changes to notice requirements for the acquisition and location of a defibrillator.
- Provides that an individual who holds a license or certification issued by the emergency medical services commission is subject to disciplinary sanctions if the individual fails to notify the

department in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol, within 90 days after the entry of an order or judgment.

- Provides that each ambulance service shall participate in a written quality assurance program.
- Makes changes to the provision relating to data sharing of pre-hospital ambulance reports by the emergency medical services commission or the department.
- Removes obsolete provisions and makes conforming amendments.
- Repeals a provision requiring a person who uses a defibrillator to contact the ambulance service provider or the fire department that provides ambulance service for the area as soon as practicable.
- Provides for the attending physician, or the physician's designee, of a patient needing transportation by ambulance to sign an order that states the level of ambulance service needed for the patient and the condition or diagnosis of the patient that makes the transportation of the patient by ambulance necessary.
- Amends the law on emergency medical services to make that law apply to nonemergency ambulance services as well as emergency ambulance services.
- Requires a health plan to fairly negotiate rates and terms with any ambulance service provider willing to become a participating provider with respect to the health plan.
- Provides that an accident and sickness insurance policy or HMO contract that provides coverage for emergency medical services must also provide reimbursement for:
 - (1) emergency ambulance services; and
 - (2) specialty care transport; provided by an emergency medical services provider organization.
- Provides that reimbursement provided for basic and advanced life support services through an accident and sickness insurance policy or HMO contract must be provided on an equal basis regardless of whether the services involve transportation of the patient by ambulance.

SEA 85, P.L. 7 - DRAINAGE TASK FORCE

Author: Leising (R-Oldenburg)

Sponsor: Lehe (R-Brookston)

- Establishes a drainage task force consisting of six members of the senate, six members of the house of representatives, and seven other individuals.
- Requires the task force to:
 - (1) review the responsibilities of landowners and state and local authorities under current laws relating to the drainage of land;
 - (2) make certain determinations concerning drainage and regulatory matters; and
 - (3) determine whether the balance between state authority and local authority over drainage of agricultural land favors state authority more in Indiana than in neighboring states.
- Authorizes the task force to make recommendations. Requires the task force to issue a report and, not later than December 1, 2023, submit the report to the executive director of the legislative services agency for distribution to the members of the general assembly and to the governor.

SEA 166, P.L. 57 - PUBLIC-PRIVATE AGREEMENTS

Author: Walker, K (R-Lawrence)

Sponsor: Pressel (R-Rolling Prairie)

- Provides that a governmental body may enter into a public-private agreement with respect to a transportation project.
- Provides that any public-private agreement with respect to a transportation project may use availability payments to finance all or a portion of the project.
- Provides that a governmental body may also enter into a development agreement with a private party for the development, construction, and financing of a privately owned and operated transportation or infrastructure project if the development agreement meets certain conditions.

- Specifies the contents of public-private agreements for transportation facilities or transportation projects and establishes requirements for the operator of the transportation facility or transportation project.
- Provides for a property tax exemption and a sales tax exemption.
- Defines terms.

SEA 272, P.L. 18 - WASTEWATER INFRASTRUCTURE

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

Aim Comments:

SEA 272, authored by Sen. Eric Koch (R-Bedford) and Rep. Ed Soliday (R-Valparaiso), includes multiple provisions stemming from the Wastewater Taskforce which met prior to the start of the 2022 legislative session. Similar to the framework created for road funding in 2017, this bill creates a framework to assess infrastructure throughout the state in partnership with Purdue University. It clarifies that a local community must have an asset management plan to apply for loans from the state. It also designates the Indiana Finance Authority (IFA) as the executive branch coordinator for all funds related to drinking water, wastewater, or storm water infrastructure and systems.

The legislation also outlines a three-step process by which failing water and wastewater utilities, including municipally owned utilities, may enter receivership by the IURC after receiving enforcement actions from IDEM. The language was amended in committee to ensure this process only applies to enforcement actions stemming from violations directly tied to public health and environmental violations. This process is not triggered by paperwork violations.

The steps include the following:

1. After the first enforcement order from IDEM is received by the utility, IURC will:
 - a. Perform a review of the rates of the utility to see if they are sufficient to:
 - i. Operate the system; and
 - ii. Pay the debt obligation of the system
 - b. Determine if there is an adequate asset management plan in place
 - c. IURC may consult with LTAP when making these determinations
 2. After a second enforcement action is received within two years of the first the utility will:
 - a. Perform a base rate case before the IURC
 - b. Go under IURC jurisdiction for at least five years
 - c. The utility will undergo one additional rate case at least three years after the first rate case
 3. If there is an additional enforcement order while the utility is under IURC jurisdiction, the IURC may enter receivership proceedings with the utility
 - a. All decisions by IURC or IDEM are subject to administrative review before an ALJ
- Provides that the Indiana finance authority (authority) shall serve as the executive branch coordinator for funds allocated or made available to the state or local communities from federal, state, and other sources for purposes related to drinking water, wastewater, or storm water infrastructure and systems.
 - Sets forth the duties of the authority with respect to this role.
 - Specifies that the authority shall coordinate the executive branch activities related to the state's drinking water and wastewater programs. (Current law provides that the authority shall serve such a role with respect to the state's water programs.)
 - Authorizes the establishment of a drinking water and wastewater infrastructure research and extension program (program) to provide data collection and information, training, and technical assistance concerning:
 - (1) drinking water infrastructure;

- (2) wastewater infrastructure; and
 - (3) storm water infrastructure; in Indiana.
- Provides that the authority may:
 - (1) contract with a state supported college or university in Indiana to provide the program; and
 - (2) financially support the program from existing funds appropriated to the authority.
- Provides that the program may be housed within, or share staff with, the existing research and highway extension program at Purdue University.
- Provides that the program may provide the following services and programs to, or for the benefit of, utilities providing drinking water, wastewater, or storm water service in Indiana:
 - (1) Assisting utilities in the development of asset management programs.
 - (2) Serving as a central repository for data concerning infrastructure used to provide drinking water, wastewater, or storm water service in Indiana.
 - (3) Providing training and technical assistance to utilities and Indiana's drinking water, wastewater, and storm water utility industry workforces.
- Requires the authority to make, not later than July 1, 2023, all:
 - (1) utility asset management programs; and
 - (2) information concerning utility asset lifecycle management costs; submitted to or reviewed by the authority available on an Internet web site maintained by the authority or the program.
- Requires that in carrying out all information gathering and reporting duties under the bill's provisions, the authority and the program shall use any data the authority or the program acquires in a manner that:
 - (1) protects the confidential information of individual utilities and customers; and
 - (2) is consistent with applicable statutory exclusions from disclosure under the state's public records act.
- Provides that as a condition for receiving a loan, grant, or other financial assistance after June 30, 2023, through the wastewater revolving loan program, the drinking water revolving loan program, the water infrastructure assistance program, or the water infrastructure grant program, a participant must do the following:
 - (1) Submit the participant's required asset management program to the authority not later than the time of submission of the participant's preliminary engineering report for any project for which the loan, grant, or other financial assistance will be provided. (Current law does not specify when the asset management program must be submitted.)
 - (2) Submit to the authority information on the estimated and actual life cycle management costs over the useful life of the asset financed.
 - (3) In the case of a participant that is not under the jurisdiction of the Indiana utility regulatory commission (IURC), regularly report to all:
 - (A) customers;
 - (B) counties; and
 - (C) municipalities; within the participant's service territory information concerning the participant's asset management program.
- Provides that money in the:
 - (1) supplemental drinking water and wastewater assistance fund;
 - (2) water infrastructure assistance fund; and
 - (3) water infrastructure grant fund; may be used to provide grants, loans, or other financial assistance for the planning, designing, acquisition, construction, renovation, improvement, or expansion of septic relief systems, in accordance with guidelines of the authority.
- Provides that the authority's project prioritization system for awarding assistance from the water infrastructure assistance fund and the water infrastructure grant fund must include as a variable the effect of a project on the environment.
- Provides for the following with respect to a wastewater utility that is not subject to the jurisdiction of the IURC for the approval of rates and charges and that has been issued one or

more enforcement orders (orders) relating to environmental or health and human safety issues by the department of environmental management (department) after June 30, 2022:

- (1) For the first order, the utility is subject to an informal review of its:
 - (A) rates and charges; and
 - (B) asset management program; by the IURC, in accordance with procedures determined by the IURC.
 - (2) For a second order that is issued within two years of the first order, the utility is subject to rate regulation, following two base rate cases, by the IURC for a minimum period of:
 - (A) five years from the IURC's order in the first base rate case; and
 - (B) one year from the IURC's order in the second base rate case.
 - (3) For any order issued during the required rate regulation period, the IURC may, in consultation with the department, initiate a receivership proceeding with respect to the utility.
- Requires the state board of education (state board) to approve, for purposes of the state's career and technical education graduation pathway, a utility career cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries.
 - Requires the governor's workforce cabinet, in consultation with the state board, the department of education, and the department of workforce development, to create course sequences for the utility career cluster.

SEA 278, P.L. 108 - INDIANA GEOLOGICAL AND WATER SURVEY ADVISORY COUNCIL

Author: Zay (R-Huntington)

Sponsor: Manning (R-Denver)

- Establishes, rather than allows the president of Indiana University to appoint, a geological and water survey advisory council (council). Increases the number of members from nine to 11 and specifies who shall serve on the council.
- Requires the state geologist to serve as secretary of the council.
- Provides that the state geologist may cast the deciding vote to break a tie.
- Requires the council to meet quarterly.
- Establishes the center for water within the Indiana geological and water survey (survey) at Indiana University for the purpose of:
 - (1) carrying out the survey's statutory duties concerning Indiana's water resources;
 - (2) supporting long term studies of the state's water resources; and
 - (3) upon request, providing resources to state agencies, municipalities, and soil and water conservation groups.
- Establishes the center for energy within the survey for similar purposes with respect to Indiana's natural energy resources.
- Allows the Indiana board of licensure for professional geologists (board) to elect a secretary who is not a member of the board. (Current law requires that the secretary of the board be elected from among the members of the board.)
- Increases the number of times the board is required to meet to at least two times each year.
- Allows a licensed professional geologist to request an informal review not more than 30 days after receiving a complaint. (Current law requires the request for an informal review to be made within 20 days.)
- Provides that if the board compels a licensed professional geologist to respond to a complaint or charges, the notification must be sent by certified mail and the response must be in writing.
- Allows a geologist who is licensed in another state to be licensed in Indiana if the other state's standards are substantially equal to Indiana's requirements.
- Requires a licensed professional geologist to obtain continuing education in the geological sciences as a condition of license renewal.
- Specifies that these continuing education requirements do not apply to a person who is not licensed as a professional geologist under Indiana law.
- Makes technical changes.



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HEA 1002, P.L. 138 - VARIOUS TAX MATTERS

Author: Brown (R-Crawfordsville)

Sponsor: Mishler (R-Bremen)

Aim Comments:

HEA 1002 was authored in response to very strong revenue growth at the state level that resulted in some of the highest reserves in decades, triggering Indiana's automatic taxpayer refund. The surplus also led the General Assembly to contemplate significant tax reductions for the state.

As introduced, HEA 1002 also included a reduction in the tax base for the Business Personal Property Tax (BPPT), proposing to eliminate the 30% minimum valuation (or depreciation floor) for business personal property on new property. Once fully phased in, this change would have reduced revenues for local governments across Indiana by approximately \$103 million and would have shifted some of the tax burden to other taxpayers, including homeowners.

The final version of HEA 1002 did not include the elimination of the minimum valuation. Ensuring this change did not occur without a full statewide replacement mechanism for the lost revenue was Aim's top priority this session. We are grateful to our members who tirelessly worked with their legislators to communicate the potential impact of a BPPT reduction and to the willingness of the General Assembly to listen to that message.

The only change to the Business Personal Property Tax in the final version of HEA 1002 was allowing mini mills (steel mills outside of Lake County) to opt into Pool 5 for the BPPT, which has no minimum valuation. The businesses cannot opt in if it would impair bonds. The total loss to local governments from this change is up to \$4.5M. The majority of that is inside of TIFs where bond impairment is possible, therefore most of the predicted fiscal impact will not materialize.

The final version of HEA 1002 also includes an elimination of the utility receipts tax which currently applies to all utilities, including municipal utilities. Accompanying this change is a requirement that rates be adjusted to reflect the tax reduction. All municipal utilities will have to evaluate how the tax change can reduce their utility rates.

The other tax that was reduced was the individual income tax, phased down over the next several years as long as revenue growth remains strong and existing pension debt can be paid off. If these conditions are not met, the reduction in the income tax will be paused.

- Specifies that the amount of excess combined reserves that may be transferred to the pre-1996 account in 2022 may not exceed \$2,500,000,000.
- Reduces the individual adjusted gross income tax rate from 3.23% in 2022 to 3.15% in 2023 and 2024.
- Phases down the individual adjusted gross income tax rate after 2024 depending on certain conditions being met.
- Allows a taxpayer to elect a special property tax valuation method for mini-mill equipment. (Current law allows the method to be used only for certain integrated steel mill and oil refinery/petrochemical equipment.)
- Repeals the utility receipts and utility services use taxes.
- Requires a utility that is subject to the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges to file a rate adjustment with the IURC that adjusts the utility's rates and charges to reflect the repeal of the utility receipts tax. Requires a utility that is subject to the utility receipts tax and not under the jurisdiction of the IURC to adjust the utility's rates and charges to reflect the repeal of the utility receipts tax.
- Requires each utility to provide notice to the utility's customers that the adjustment in rates and charges reflects the repeal of the utility receipts tax.

- Specifies taxpayer procedure for the repeal of the utility receipts and utility services use tax.
- Provides that the office of the secretary of family and social services may not enter into a final contract that would implement a risk based managed care program or capitated program for the specified Medicaid population before January 31, 2023. Makes conforming changes.

HEA 1011, P.L. 157 - SALE OF CAPITAL ASSET

Author: Aylesworth (R-Hebron)

Sponsor: Niemeyer (R-Lowell)

- Allows a town to invest the proceeds received from the sale of a capital asset made after December 15, 2021, and before January 1, 2023, in the same manner as the next generation trust fund if the proceeds from the sale exceed \$24,000,000 but do not exceed \$26,000,000. (Under current law, a political subdivision is authorized to invest the proceeds received from the sale of certain capital assets in the same manner as the next generation trust fund only if the proceeds exceed \$50,000,000.)
- In addition, requires the fiscal body of the town to contract with a financial institution eligible to receive public funds of a political subdivision to assist the town in its investment program.

HEA 1034, P.L. 46 - TAX INCREMENT FINANCING

Author: Torr (R-Carmel)

Sponsor: Holdman (R-Markle)

Aim Comments:

HEA 1034 clarifies existing practice that liens on properties under taxpayer agreements have the same priority as normal property tax liens. It also adds marketing or advertising expenses for land in an allocation area to the eligible uses for TIF dollars.

This is a small change but does represent another step in the right direction regarding expansion of eligible uses for TIF funds for more flexible economic development purposes.

- Provides that a lien resulting from an agreement between a redevelopment commission (commission) and a taxpayer in an allocation area takes priority over any existing or subsequent mortgage, other lien, or other encumbrance on the property, and must have parity with a state property tax lien under IC 6-1.1-22-13.
- Provides that a lien resulting from a taxpayer agreement will have the priority of real property taxes and may be enforced and collected in all respects as real property taxes.
- Provides that a commission, or two or more commissions acting jointly, may contract for marketing and advertising of land located in an allocation area.
- Imposes a limitation on the amount available to be spent on the marketing and advertising of land in an allocation area.

HEA 1045, P.L. 47 - 529 COLLEGE SAVINGS ACCOUNTS

Author: Heine (R-New Haven)

Sponsor: Holdman (R-Markle)

- Increases the maximum amount of the annual credit against adjusted gross income to which a taxpayer is entitled for a contribution to a college choice 529 education savings plan.

HEA 1048, P.L. 112 - SHERIFF'S SALE IN MORTGAGE FORECLOSURE ACTION

Author: Eberhart (R-Shelbyville)

Sponsor: Mishler (R-Bremen)

- Allows the sheriff to conduct a public auction electronically. Prohibits certain persons and entities from purchasing a tract at a sheriff's sale.
- Requires each person bidding at a sheriff's sale to sign a statement containing a notice of the law and certain affirmations.

- Raises the amount that a sheriff can charge for administrative fees from \$200 to \$300. Makes a conforming amendment.
- Makes a technical correction.

HEA 1110, P.L. 116 - ANNEXATION OF RESIDENTIAL DEVELOPMENT

Author: Soliday (R-Valparaiso)

Sponsor: Charbonneau (R-Valparaiso)

- Allows a third class city to annex:
 - (1) a noncontiguous residential development; and
 - (2) the right of way of a public highway connecting the development to the city.
- Provides that annexation is initiated by:
 - (1) the homeowner's association board petitioning the city legislative body for annexation of the development; and
 - (2) the city legislative body adopting a resolution approving initiation of the annexation process.
- Requires the city to satisfy statutory requirements for annexation including adopting a written fiscal plan and annexation ordinance and conducting an outreach program.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.

HEA 1193, P.L. 72 - OPIOID LITIGATION

Author: Karickhoff (R-Kokomo)

Sponsor: Mishler (R-Bremen)

Aim Comments:

An estimated \$26 billion nationwide settlement was reached in litigation against manufacturer Janssen Pharmaceuticals, Inc., its parent company Johnson & Johnson, and the distributors McKesson, Cardinal Health, and Amerisource Bergen. The settlement provides funds to the states and their political subdivisions for abatement and remediation of the opioid crisis. Approximately \$12.1 billion will be distributed to the states based off population size and the impact of the opioid crisis as a base payment. An additional \$10.6 billion will be allocated as an incentive based on the participation of political subdivisions.

HEA 1193 changes the date by which an entity may opt back into the state's opioid litigation settlement and removes certain requirements concerning the payment of costs, expenses, and attorney's fees and costs that arose from the opioid litigation. The original opt in date was January 2, 2022, but has been changed to July 15, 2022.

The language also changes the basis by which the agency settlement fund distributes funds to cities, towns, and counties. It reduces the percentage of opioid litigation settlement funds distributed for use of statewide treatment, education, and prevention programs for opioid use disorder. The language also provides that 35% of opioid litigation settlement funds are to be distributed to cities, towns, and counties for programs for treatment prevention, and care that are best practices for opioid use disorder. For cities and towns who are set to receive under \$1,000 in the annual distribution, the distribution will go to the counties.

Funds received from the opioid settlement may not be distributed to a city, town, or county that has opted out of the settlement and that the remaining funds shall be distributed to the cities, towns, or counties that have opted into the settlement.

- Amends the deadline by which a political subdivision may opt back in to an opioid litigation settlement.
- Requires a political subdivision to submit a copy of the agreement executed between the

political subdivision and the private legal counsel of the political subdivision when opting back into the opioid litigation settlement.

- Removes language providing that no political subdivision has any claim to any settlement proceeds for litigation against any opioid party not yet filed by the state as of a certain date.
- Removes certain requirements concerning the payment of costs, expenses, and attorney's fees and costs arising from opioid litigation.
- Changes the basis by which the agency settlement fund distributes funds to cities, counties, and towns. Reduces the percentage of opioid litigation settlement funds distributed for use of statewide treatment, education, and prevention programs for opioid use disorder.
- Provides that 35% of opioid litigation settlement funds are to be distributed to cities, counties, and towns for programs for treatment, prevention, and care that are best practices for opioid use disorder.
- Provides that funds received from the opioid settlement may not be distributed to a city, county, or town that has opted out of the settlement and that the remaining funds shall be distributed to the cities, counties, or towns that have opted into the settlement.

HEA 1211 - STATE AND LOCAL ADMINISTRATION (VETOED)

Author: Teshka (R-South Bend)

Sponsor: Garten (R-Charlestown)

Aim Comments:

HEA 1211, authored by Rep. Jake Teshka (R-South Bend) and Sen. Chris Garten (R-Charlestown) initially dealt with Block Chain Technology. However, during the last day of session during Conference Committee, the bill was amended to include a requirement that any READI dollars being spent on broadband must be spent using the Next Level Connections requirements. Aim opposed this language because of concerns about the impact to current projects. Aim is supportive of the Next Level Connections program but limiting how READI dollars can be spent for broadband could slow down critical projects that have been planned for by regions across the state. Aim members support policies that allow for quicker access to broadband for both unserved and underserved communities.

Aim submitted a veto request letter to Governor Holcomb and the Governor did veto the bill for multiple reasons, including concerns about the broadband language. A summary of the vetoed bill is below for reference:

- Provided that not later than October 1, 2022, the department of administration (department), on behalf of the office of technology (office), shall issue a request for information for purposes of exploring how blockchain technology could be used by a state agency to:
 - (1) achieve greater cost efficiency and cost effectiveness; and
 - (2) improve consumer convenience, experience, data security, and data privacy.
- Required the office to compile a report concerning the request for information and submit the report to the legislative council in an electronic format not later than March 31, 2023. Defined "blockchain technology" and "distributed ledger technology".
- Required an agency to submit an emergency rule to the attorney general for review and approval before the emergency rule may take effect.
- Provided that emergency rules may not be effective for a period that exceeds 180 days.
- Provided that certain emergency rules expire not more than two years after the rule takes effect.
- Required an agency adopting an administrative rule to submit an economic impact statement and an explanation of any penalty, fine, or other similar negative impact included in the proposed rule to the publisher of the Indiana Administrative Code (publisher).
- Required the publisher to provide a copy of the materials concerning a proposed rule or pending read option to the members of the appropriate standing committee, the governor, and the office of management and budget.

- Provided that administrative rules expire on July 1 of the fourth year after the year in which the rule takes effect (instead of January 1 of the seventh year after the year in which the rule takes effect).
- Required an agency intending to readopt an administrative rule to provide to the publisher, not later than January 1 of the third year after the year in which the rule most recently took effect:
 - (1) notice of; and
 - (2) information concerning; the pending readoption.
- Required that all broadband infrastructure projects that are funded in whole or in part by a grant or loan from the regional economic acceleration and development initiative (READI) fund must satisfy the criteria and requirements as described in the rural broadband program.
- Made corresponding changes.

HEA 1245, P.L. 167 - CONNECTIONS TO WATER AND SEWER SYSTEMS

Author: Pressel (R-Rolling Prairie)

Sponsor: Koch (R-Bedford)

Aim Comments:

HEA 1245 prohibits municipal utilities from including costs in aid of construction in capacity-related fees or tap fees. Costs in aid of construction usually refers to costs associated with system-wide improvements fees such as system development charges, interceptor fees, or availability fees. It also creates a process by which these fees can be challenged and reviewed by the IURC after the property owner has an informal mediation with the utility.

These changes may require municipal utilities to review their fee structures to ensure they are in compliance with the new law and may require you to consult with your financial advisor to ensure you can adequately fund your needed utility improvements without running afoul of the new provisions. This bill also allows any qualified inspector to verify the compliance of a septic system without the ability of the local health department to sign off on the approval. It also prevents ordinances that regulate septic systems more stringently than Indiana State Department of Health guidelines starting July 1, 2023.

- Prohibits:
 - (1) a local unit; or
 - (2) a water or wastewater utility;
- that is not under the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges from charging or collecting from a property owner a capacity related fee or a tap fee either of which is established after June 30, 2022, and that includes contributions in aid of construction.
- Provides that if a local unit or a utility charges a property owner a capacity related fee or a tap fee that is established after June 30, 2022, and that is based, in whole or in part, on contributions in aid of construction, the property owner is entitled to request to meet with the local unit or the utility to review:
 - (1) the engineering and financial analyses the fee was based on; and
 - (2) if applicable, the ordinance adopting the fee.
- Requires a local unit or a utility to meet with a property owner for such a review not later than 30 days after receipt of the property owner's request.
- Provides that if a meeting and review does not result in a satisfactory resolution, the property owner may file with the IURC a petition challenging the fee.
- Provides that if the IURC determines the capacity related fee or tap fee is based in whole or in part on contributions in aid of construction, the IURC shall:
 - (1) invalidate the fee; or
 - (2) modify the fee to comply with these provisions.
- Amends the statute that provides an exemption from the requirement to connect to a regional

sewer district's sewer system to a property owner whose septic tank soil absorption system was new at the time of installation as follows:

- (1) Provides that the local health department's designee or a qualified inspector (in addition to the local health department) may approve the property owner's septic tank soil absorption system at the time of installation.
 - (2) Provides that the 10 year exemption is measured from the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing. (Current law provides that the 10 year exemption is measured from the date the new septic tank soil absorption system was installed.)
- Defines "residential onsite sewage system" as the term is defined by the state department of health (department) in the department's rule concerning residential onsite sewage systems (department's rule).
 - Changes instances of the term "residential septic system" in current law to the term "residential onsite sewage system".
 - Prohibits a local health department from refusing an application for a permit for a residential onsite sewage system solely because the residential onsite sewage system has not been used previously in the jurisdiction of the local health department or is unfamiliar to the local health department, if the residential onsite sewage system has been approved for general use in Indiana by the department's technical review panel.
 - Provides that if the local health department in one jurisdiction has issued a permit for a particular type of residential onsite sewage system, the local health department in another jurisdiction may not refuse to issue a permit for a residential onsite sewage system of that same type if:
 - (1) a registered professional engineer;
 - (2) a registered soil scientist;
 - (3) a residential onsite sewage system installer; and
 - (4) (if applicable) the designer of the residential onsite sewage system; approve of the use of that type of system in the second jurisdiction.
 - Provides that if a registered professional engineer certifies:
 - (1) that the location, design, proposed construction, and proposed installation of a planned residential onsite sewage system comply with the department's rule, a local health department may not disapprove an application for a permit for the residential onsite sewage system;
 - (2) that the design, construction, installation, location, maintenance, and operation of an existing residential onsite sewage system comply with the department's rule, a local health department may not issue an order on the basis that the residential onsite sewage system is a failed system; and
 - (3) that an existing residential onsite sewage system is not functioning properly but can be restored to proper functioning through repair, a local health department must allow the repair of the residential onsite sewage system to be made in accordance with the certification of the professional engineer.
 - Provides that a local health department may not deny a permit for a residential onsite sewage system in a particular location on the grounds that the soil of the location is too heavily compacted if a registered soil scientist certifies that the soil can be made suitable for the residential onsite sewage system in not more than two years through the planting of plants that loosen and aerate the soil or through other means.
 - Provides that after June 30, 2023, a local ordinance or a local health department may not impose residential onsite sewage system requirements, restrictions, or conditions that are more stringent than those of the department's rule.
 - Requires a local health department to issue, in certain circumstances, a permit for a residential onsite sewage system not more than 30 business days after receiving the application for the permit.
 - Effective July 1, 2023, voids a provision of the department's rule stating that the rule does not

prohibit local ordinances from imposing requirements more stringent than the requirements of the department's rule.

- Changes population parameters used in an Indiana Code section concerning the installation of a residential onsite sewage system in fill soil, so as to reflect the population count determined under the 2020 decennial census.
- Amends the Indiana Code section governing the procedures for a proposal to amend or partially repeal a zoning ordinance to require a plan commission to vote on the proposal not later than 60 days after holding the public hearing on the proposal.
- Provides that a property owner whose property is incorporated into the territory of a municipal sanitation district (regardless of whether the property owner has filed a written remonstrance or an appeal with respect to the incorporation) is exempt from a requirement to connect to the district's sewer system and to discontinue use of a sewage disposal system on the property owner's property if:
 - (1) the property owner's sewage disposal system:
 - (A) was new at the time of installation; and
 - (B) was approved in writing by the local health department, the department's designee, or a qualified inspector; and
 - (2) the property owner obtains a written determination from the local health department, the department's designee, or a qualified inspector that the property owner's sewage disposal system is not failing.
- Provides that a property owner who qualifies for this exemption may not be required to connect to the district's sewer system for a period of 10 years beginning on the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing.
- Provides that a property owner may apply for two five-year extensions of the exemption.
- Limits the total period during which a property may be exempt from the requirement to connect to a district's sewer system to not more than 20 years, regardless of ownership of the property.
- Sets forth certain time frames and requirements that apply to a property owner who seeks to claim the exemption.
- Provides that this exemption does not apply to a property owner whose property is incorporated into a district if:
 - (1) the district has received approval from the Indiana finance authority before January 1, 2022, of a preliminary engineering report:
 - (A) for a project to construct the sewer line to which the property owner's property is being required to connect; and
 - (B) in connection with funding from the wastewater or drinking water revolving loan program; and
 - (2) the timing and requirements for connection to the district's sewer system are the same for all property owners being required to connect to the district's sewer system under the terms of the project.

HEA 1246, P.L. 95 - FIRE PROTECTION TERRITORIES AND LOCAL INCOME TAXATION

Author: Lehe (R-Brookston)

Sponsor: Buchanan (R-Lebanon)

Aim Comments:

HEA 1246 provides a procedure for fire protection territories to apply for a maximum levy increase if they have significant population growth. Typically, this has been done legislatively on a one-off basis, but this bill provides a process for all appeals moving forward.

HEA 1246 also exempts newly formed fire protection territories from existing allocation areas so that all of the levy for fire protection is actually collected for fire protection. This mirrors existing procedures for fire protection districts.

Language in this bill also allows county governments that provide the EMS services for all the units in the county to levy an additional 0.2% LIT rate dedicated to EMS services.

- Provides that a fire protection territory that experiences more than 6% population growth during a 10 year period may increase its maximum property tax levy for 2023 or any year thereafter by an amount based on the population growth that exceeds 6%.
- Provides, however, that the fire protection territory 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 territory area within a 10 year period.
- Allows a total tax rate levied upon the formation of a fire protection territory established after December 31, 2022, to be implemented over a number of years, not exceeding five, and subject to review and approval by the department of local government finance.
- Provides that a participating unit's proceeds of property taxes imposed to meet the participating unit's obligations to a fire protection territory are exempt from areas needing redevelopment, redevelopment project areas, urban renewal project areas, economic development areas, or economic development districts established after December 31, 2021.
- Provides that, in the case of counties that provide emergency medical services for all local units in the county and pay 100% of the costs to provide those services, the fiscal body of the county may adopt an ordinance to impose a local income tax (LIT) rate for emergency medical services in the county.
- Provides that the tax rate may not exceed 0.2%. Provides that the LIT revenue shall be distributed directly to the county before the remainder of the expenditure rate revenue is distributed and must be deposited in a dedicated fund to be used only for paying for operating costs incurred by the county for emergency medical services that are provided throughout the county.
- Provides that the tax rate may not be in effect for more than 25 years.

HEA 1260, P.L. 174 - DEPARTMENT OF LOCAL GOVERNMENT FINANCE

Author: Leonard (R-Huntington)

Sponsor: Bassler (R-Washington)

Aim Comments:

HEA 1260 was introduced as the annual Department of Local Government Finance (DLGF) bill, which includes many provisions related to local government finance. This year there are several that affect Aim members.

For the past several years, both Aim and ILMCT have included in their legislative initiatives a desire to eliminate the rate trending for cumulative funds. HEA 1260 removes the rate trending for the remaining funds that still trended. This means that changes in AV will no longer trigger rate changes in cumulative funds and local units will not have to go through the process of reestablishing the rates annually to maintain the same rate from year to year.

HEA 1260 also updates Indiana Board of Tax Review (IBTR) procedures in response to the South Lake Mall case. In that case, it was ruled that if the initial assessment does not match the appraisal presented to IBTR exactly during a property tax appeal, the assessment must revert to the prior year assessment (a ruling in favor of the taxpayer appealing). The change in HEA 1260 allows the appraisal presented by IBTR to be used as the basis of the final true tax value which can be different from the prior year assessment or the assessment initially made by the local assessor. This change is a positive step in dealing with chronic appeals of large, commercial properties.

- Specifies provisions for federal economic stimulus funds.
- Provides that, unless specifically granted authority by a statute passed by the general assembly, the state lottery commission and Indiana gaming commission shall not, independently or by public-private partnership, operate or authorize the use or operation of particular games and

sales over the Internet.

- Specifies certain exceptions.
- Provides that certain churches and religious societies are not required to file a personal property tax return.
- Provides that a county assessor shall provide electronic access to property record cards on the county's official Internet web site.
- Repeals the mortgage deduction for assessments beginning January 1, 2023. Increases the homestead deduction from \$45,000 to \$48,000 for assessments beginning January 1, 2023.
- Provides that with regard to a rehabilitation or redevelopment project in an economic revitalization area within an excluded city, that when the designating body:
 - (1) receives a formal request for a tax abatement or incentive; or
 - (2) issues an offer letter for a tax abatement or incentive; the designating body must provide written notice to the excluded city.
- Requires a local assessor to notify the department of local government finance (DLGF) of all new fixed property owned or used by a public utility company that the local assessor will begin assessing and the date on which the assessments will begin.
- Requires the DLGF to notify a company if any of the company's property that was previously assessed by the DLGF will instead be assessed by the township assessor, or the county assessor if there is not a township assessor for the township.
- Provides that the county assessor may exempt designated infrastructure development zone broadband assets, including assets located in a designated infrastructure development zone of a centrally assessed telephone company or cable company.
- Provides that the authority of a property tax assessment board of appeals (county board) is not limited to review the ongoing eligibility of a property for an exemption.
- Provides timing clarifications for property tax deductions for taxpayers who are over age 65 or who are disabled veterans, and for the over age 65 circuit breaker credit.
- Provides that the assessor shall provide a report to the county auditor describing any physical improvements to the property.
- Increases the maximum assessed value of the real property for an individual at least 65 years of age to be eligible for a deduction from \$200,000 to \$240,000.
- Defines the term "taxpayer" for purposes of the procedures for review and appeal of assessments and corrections of errors.
- Modifies the burden of proof standard in an appeal to provide that an assessment as last determined by an assessing official or the county board is presumed to equal a property's true tax value until rebutted by evidence presented by the parties, unless the property's assessment increased by more than 5%, in which case the assessor has the burden of proof.
- Provides that a county auditor shall submit a certified statement to the DLGF not later than September 1 in a manner prescribed by the DLGF.
- Provides for maximum property tax levy increases for Otter Creek Township in Vigo County and Sugar Creek Township Fire Protection District in Vigo County.
- Provides for a one-time maximum property tax levy increase for Howard County.
- Specifies certain dates with regard to the adjustment of maximum tax rates after a reassessment or annual adjustment. For reports filed by county boards with the DLGF, changes the requirement for the total number of "notices" to be filed to the total number of "appeals" to be filed. Requires additional information to be filed in such reports.
- Provides that the term "tax representative" does not include an attorney who is a member in good standing of the Indiana bar or any person who is a member in good standing of any other state bar and who has been granted temporary admission to the Indiana bar in order to represent a party before the property tax assessment board of appeals or the DLGF.
- Provides that the DLGF may not review certain written complaints if such a complaint is related to a matter that is under appeal.
- Repeals a provision in current law that provides that a taxpayer that owns an industrial plant located in Jasper County is ineligible for a local property tax replacement credit against the

property taxes due on the industrial plant if the assessed value of the industrial plant as of March 1, 2006, exceeds 20% of the total assessed value of all taxable property in the county on that date.

- Provides that for certain airport development zones and allocation areas established after June 30, 2024, “residential property” refers to the assessed value of property that is allocated to the 1% homestead land and improvement categories in the county tax and billing software system, along with the residential assessed value as defined for purposes of calculating the rate for the local income tax property tax relief credit designated for residential property.
- Provides formulas for school corporations that propose to impose property taxes under a referendum tax levy. Provides that the property tax rate imposed under the provision for the public safety officers survivors’ health coverage cumulative fund is exempt from the adjustment of maximum tax rates after reassessment or annual adjustment.
- Changes the sunset provision for pro bono legal service fees from July 1, 2022, to July 1, 2025.
- Allows a county surveyor to send relocation requirements for a proposed regulated drain by either registered mail or certified mail (current law requires the relocation requirements be sent by registered mail).
- Amends SECTION 9 of HEA 1001-2022 by adding language indicating that certain COVID-19 tests be “approved, cleared, or authorized” by the FDA as opposed to just “approved” as passed in HEA 1001-2022.
- Repeals various property tax provisions.
- Makes conforming changes.

HEA 1286, P.L. 37 - REQUEST FOR PROPOSALS FOR SOLID WASTE CONTRACTS

Author: Carbaugh (R- Fort Wayne)

Sponsor: Busch (R-Fort Wayne)

- Authorizes a town or a city other than Indianapolis to enter into a contract for the collection and disposal of solid waste through a request for proposals process instead of an invitation for bids process.
- Establishes a request for proposals procedure under which a town or a city other than Indianapolis may enter into a contract for the collection and disposal of solid waste.

HEA 1292, P.L. 98 - COMPENSATION FOR VICTIMS OF VIOLENT CRIMES

Author: Negele (R-Attica)

Sponsor: Crider (R-Greenfield)

- Changes, for purposes of the law concerning compensation to victims of violent crime, the definition of “claimant” to include certain family members of a victim.
- Expands the list of expenses eligible for compensation to include crime scene cleanup and replacement windows or door locks.
- Allows the victim services division of the Indiana criminal justice institute to accept proof that evidence was collected during a forensic exam as a claimant’s cooperation with law enforcement.
- Specifies that a person who contributed to the injury or death of the victim may not receive benefits.

HEA 1303, P.L. 122 - TAX CREDIT FOR ABLE ACCOUNT CONTRIBUTIONS

Author: Olthoff (R-Crown Point)

Sponsor: Holdman (R-Markle)

- Creates (beginning January 1, 2024) a stand-alone credit for contributions to Indiana ABLE accounts.
- Provides that a taxpayer is entitled to a credit against adjusted gross income tax equal to the least of:
 - (1) 20% of the amount of the total contributions made by the taxpayer to an account or accounts of an Indiana ABLE 529A savings plan during the taxable year;
 - (2) \$500; or

(3) the amount of the taxpayer's adjusted gross income tax for the taxable year, reduced by the sum of all allowable credits.

- Provides that a taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.
- Provides that a taxpayer may not sell, assign, convey, or otherwise transfer the tax credit.
- Provides that an account owner of an Indiana ABLE 529A savings plan must repay all or a part of the credit in a taxable year in which any nonqualified withdrawal is made.

HEA 1306, P.L. 99 - HOUSING TASK FORCE

Author: Miller (R-Elkhart)

Sponsor: Doriot (R-Goshen)

- Establishes the housing task force to review issues related to housing and housing shortages in Indiana.
- Sets forth membership and requires the task force to issue a report to the general assembly and the governor not later than November 1, 2022.

HEA 1314, P.L. 170 - PUBLIC SAFETY MATTERS

Author: Barrett (R-Richmond)

Sponsor: Walker, K (R-Lawrence)

- Provides that a surviving spouse or child of a department of homeland security (department) fire investigator is eligible to receive health coverage under the health coverage plan for active employees provided by the employer.
- Provides that a department fire investigator who is diagnosed with certain health conditions that result in a disability or death is presumed to have incurred the health condition in the line of duty.
- Provides that the Indiana guard reserve (guard) is comprised of volunteer citizens. Provides that the adjutant general (general) may adopt policies for the guard.
- Requires the general to establish certain structures, processes, and organizational controls for the guard.
- Repeals a provision concerning the guard serving outside Indiana.
- Provides that, if called for voluntary service, the guard must follow the rules and procedures of the Indiana national guard and those set by the general.
- Amends a provision to specify that the general may obtain insurance for the guard under certain circumstances. Repeals a provision regarding quarterly pay for the guard.
- Provides that, not later than October 31, 2022, the department, the department of health, the integrated public safety commission, and the statewide 911 board shall submit recommendations regarding:
 - (1) ways the 911 system can increase interoperability to better facilitate an emergency medical services (EMS) response from the closest and most appropriate resource; and
 - (2) the effectiveness of regionalized trauma systems and their impact on patient care; to the executive director of the legislative services agency for distribution to the general assembly.
- Provides that a department fire investigator who is diagnosed with certain cancers or heart or lung disease that results in a disability is presumed to have incurred the health condition in the line of duty.
- Establishes the first responder crisis intervention account within the statewide 9-8-8 trust fund for the purpose of awarding grants to public safety agencies that provide first responder emergency services.
- Provides that the division of mental health and addiction shall administer the account.
- Provides that a fire department is required to report annually to the department information regarding each emergency response by the fire department.
- Provides that, in the event the fire department does not report information regarding emergency responses, the department may determine that the fire department is ineligible to receive grants administered by the department.

- Makes changes to how public safety fees from the retail sale of fireworks are distributed.
- Provides, after June 30, 2023, that the minimum basic training requirements that a volunteer firefighter must complete before the firefighter may perform emergency response duties do not include interior firefighter operations.
- Makes changes to various definitions used in relation to the provision of emergency medical services.
- Provides that the department may (rather than shall, under current law) waive any rule adopted by the emergency medical services commission for a person who provides emergency ambulance service, an emergency medical technician, an advanced emergency medical technician, a paramedic, or an ambulance when operating from a location in an adjoining state.
- Makes changes to notice requirements for the acquisition and location of a defibrillator.
- Provides that an individual who holds a license or certification issued by the emergency medical services commission is subject to disciplinary sanctions if the individual fails to notify the department in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol, within 90 days after the entry of an order or judgment.
- Provides that each ambulance service shall participate in a written quality assurance program.
- Makes changes to the provision relating to data sharing of pre-hospital ambulance reports by the emergency medical services commission or the department.
- Removes obsolete provisions and makes conforming amendments.
- Repeals a provision requiring a person who uses a defibrillator to contact the ambulance service provider or the fire department that provides ambulance service for the area as soon as practicable.
- Provides for the attending physician, or the physician's designee, of a patient needing transportation by ambulance to sign an order that states the level of ambulance service needed for the patient and the condition or diagnosis of the patient that makes the transportation of the patient by ambulance necessary.
- Amends the law on emergency medical services to make that law apply to nonemergency ambulance services as well as emergency ambulance services.
- Requires a health plan to fairly negotiate rates and terms with any ambulance service provider willing to become a participating provider with respect to the health plan.
- Provides that an accident and sickness insurance policy or HMO contract that provides coverage for emergency medical services must also provide reimbursement for:
 - (1) emergency ambulance services; and
 - (2) specialty care transport; provided by an emergency medical services provider organization.
- Provides that reimbursement provided for basic and advanced life support services through an accident and sickness insurance policy or HMO contract must be provided on an equal basis regardless of whether the services involve transportation of the patient by ambulance.

SEA 1, P.L. 2 - AUTOMATIC TAXPAYER REFUND

Author: Holdman (R-Markle)

Sponsor: Brown (R-Crawfordsville)

- Removes a provision that requires taxpayers to have adjusted gross income tax liability in order to qualify for an automatic taxpayer refund.
- Makes clarifying changes.

SEA 62, P.L. 123 - SALE OF TAX SALE PROPERTIES TO NONPROFITS

Author: Young (R-Indianapolis)

Sponsor: Moed (D-Indianapolis)

- Permits a county treasurer in a county having a consolidated city to offer for sale a tract or item of real property on the county auditor's tax sale list:
 - (1) that is not used as a person's principal place of residence and receiving a homestead standard deduction for the most recent assessment date;

- (2) that is unsold after two or more public sales; and
- (3) for which a set off has not been obtained against the delinquent debt owed on the real property; to an eligible nonprofit entity prior to a regularly scheduled tax sale.
- Provides that not more than 5% of the real property on the tax sale list may be sold to eligible nonprofit entities.
- Requires an eligible nonprofit entity to file certain information with the county executive not later than 45 days prior to the tax sale in order to participate in an early sale.
- Requires, before January 1, 2023, and before each January 1 thereafter, the county executive to provide an annual report to the legislative council concerning the sale of tax sale properties to eligible nonprofit entities.

SEA 74, P.L. 50 - PREFERENCES IN PUBLIC WORKS AND PUBLIC PURCHASING

Author: Boots (R-Crawfordsville)

Sponsor: Morris (R-Fort Wayne)

- Provides that a manufacturing business, defined as a business that processes raw materials or parts into finished goods, is not a small business if it employs more than 100 persons or if its annual sales for its most recently completed fiscal year exceed \$4,000,000.
- Provides that any state agency that purchases goods, supplies, or services for the state must report by October 1 of each year to the budget committee the amount of Indiana business and Indiana small business preferences granted in the agency's procurement of goods, supplies, or services for the state.

SEA 76, P.L. 6 - MEET AND CONFER FOR PUBLIC SAFETY EMPLOYEES

Author: Boots (R-Crawfordsville)

Sponsor: Frye (R- Greensburg)

Aim Comments:

SEA 76 allows either a public safety employer or employee to request a nonbinding, advisory opinion from the commissioner of the Department of Labor regarding an employment dispute. Either the employer or employee may request an opinion from the commissioner in writing and the commissioner of labor may decide to not hear the dispute, appoint an intermediary to hear the dispute, and/or make a nonbinding recommendation. Requests for advisory opinions from the commissioner are limited to not more than one per year for each party. Administrative costs for the meetings, advisory opinion, and mediation are to be split and paid equally between the employer and the representative of the employee(s).

- Allows an employer or an exclusive recognized representative of full-time employees of a police or fire department (exclusive representative) to request, in specified circumstances, an advisory opinion from the commissioner of labor (commissioner).
- Specifies a process by which an employer or exclusive representative may appeal in certain instances to the commissioner to request mediation and conciliation.
- Makes technical corrections and a conforming amendment.

SEA 78, P.L. 85 - 1977 PENSION AND DISABILITY FUND

Author: Boots (R-Crawfordsville)

Sponsor: Frye (R- Greensburg)

Aim Comments:

SEA 78 was the product of an interim study committee held by the Pension Management Oversight Committee. The legislation provides enforcement teeth to INPRS to ensure individual police officers and firefighters who should be in the 1977 Fund but for one reason or another are not participating in the fund are moved into the fund. If INPRS determines a police officer or a firefighter should have been a member of the '77 fund instead of PERF, they will make the change and require the employer

to contribute the amount that the INPRS board determines is necessary to fully fund the employee's service credit in the '77 fund for the years of service earned in PERF.

This legislation could result in more individuals being placed into the '77 Fund which would result in municipal employers paying higher employer contributions for these police and firefighter employees. For CY 2022, the employer contribution rate for PERF is 11.2% of wages compared to the '77 Fund which is 17.5% of wages.

- Provides that after July 1, 2022, if the board of trustees of the Indiana public retirement system (system board) determines that a new police officer or firefighter in the public employees' retirement fund (PERF) should be a member of the 1977 fund, the system board shall require the employer to transfer the member into the 1977 fund and contribute the amount that the system board determines is necessary to fund fully the member's service credit in the 1977 fund for all service earned as a police officer or firefighter in PERF.
- Provides that a police officer or firefighter who is an active member of the 1977 fund with an employer that participates in the 1977 fund, separates from that employer, and more than 180 days after the date of the separation becomes employed as a full-time police officer or firefighter with the same or a second employer that participates in the 1977 fund, is a member of the 1977 fund without meeting the age limitations under certain circumstances. (The introduced version of this bill was prepared by the interim study committee on pension management oversight.)

SEA 119, P.L. 8 - TAXATION OF FARM PROPERTY

Author: Niemeyer (R-Lowell)

Sponsor: Bartels (R-Eckerty)

- Makes new farm equipment and new agricultural improvements eligible for local tax abatement using the same procedures for tax abatement under current law for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment, or redevelopment and rehabilitation in the case of new agricultural improvements.
- Limits an abatement schedule for new farm equipment and new agricultural improvements to not more than five years.
- Specifies how agricultural improvements shall be assessed for tax purposes.

SEA 134, P.L. 87 - APPROPRIATION OF DONATED MONEY

Author: Brown (R-Fort Wayne)

Sponsor: Leonard (R-Huntington)

- Adds language specifying that a political subdivision that conducts or administers an election may not accept private money donations to prepare, administer, or conduct elections or to employ individuals on a temporary basis for preparing, administering, or conducting elections, including registering voters.
- Requires all state agencies to submit to the budget agency a report of each individual state employee employed by the state agency whose salary is funded in whole or in part from donated money.
- Provides that if the donation of money is to the secretary of state, the report shall specify whether the money was or will be distributed to political subdivisions for preparing, administering, or conducting elections, and, if so, the specific types of uses for which the donated money will be used by those political subdivisions.
- Requires the budget agency to annually submit to the budget committee a report of the information that specifies and identifies each individual state employee whose salary is funded in whole or in part from donated money, which must be posted and made available on the Indiana transparency portal.
- Requires all local units of government to submit to the state board of accounts (SBA) a report of each individual local unit of government employee employed by the local unit of government

whose salary is funded in whole or in part from donated money.

- Requires the SBA to annually submit to the budget committee a report of the information that specifies and identifies each individual local unit of government employee whose salary is funded in whole or in part from donated money, which must be made available to the public.
- Defines “local unit of government” for purposes of the reporting requirement. Specifies that the term does not include hospitals.

SEA 145, P.L. 54 - PROPERTY TAX MATTERS

Author: Buchanan (R-Lebanon)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 145 represents the culmination of years of efforts to solve the “dark box” problem, or the chronic tax appeals by large, commercial retailers based on the fact that it is difficult to find comparable sales for these properties.

To solve this problem, SEA 145 requires that the cost method, a method that uses the cost of construction less normal depreciation, be used for the first 5 years of assessment of newly constructed commercial buildings over 100,000 sqft. If actual cost data is not available, the assessor can use statewide DLGF cost tables.

This should limit tax appeals on these properties and put more AV back on the tax rolls, lowering tax cap losses and tax shifts to other taxpayers.

- Provides that the true tax value of commercial real property commercial property with a structure, or a portion thereof, that:
 - (1) is at least 100,000 square feet in area;
 - (2) is used for retail purposes; and
 - (3) is occupied by a single retailer; shall be determined by application of the cost approach.
- Provides that the application of the cost approach requirement is not applicable if the property was:
 - (1) vacated by the original occupant for which the property was constructed;
 - (2) constructed more than five years prior to the assessment date; or
 - (3) substantially and adversely impacted by a change in a roadway or traffic pattern.
- Provides that estimates of depreciation and obsolescence shall not be based on data derived from the sales comparison or income capitalization approaches.
- Requires the department of local government finance (department) to establish a standard construction cost per square foot for the purpose of applying the cost approach.
- Requires the department to update the standard construction cost per square foot annually.
- Provides that when requesting a review, a taxpayer may present an appraisal based on the cost approach as evidence that the actual construction cost was lower than the department’s determined standard construction cost per square foot that was used to assess the property.
- Provides that the parties to any appeal may enter into a written agreement to stipulate to the true tax value of the property.
- Provides that the fiscal officer of the county may establish a separate account for the tax receipts that are attributable to the property tax assessment that is the subject of review.

SEA 149, P.L 106 - VARIOUS COURTS MATTERS

Author: Koch (R-Bedford)

Sponsor: Steuerwald (R-Avon)

Aim Comments:

SEA 149 makes several changes to the court system in Marion County, but it also accomplishes an

initiative that Aim has been pursuing for years. In 2014, Indiana code was changed to allow for circuit court clerks to keep fee overpayments of up to \$3 as an administrative fee. SEA 149 adds parity language into code to allow for clerks of city or town courts or a judge of city or town court that does not have a clerk to also keep overpayments up to \$3 as administrative fees.

- Makes clarifying changes to the powers and duties of the Marion superior court executive committee.
- Provides that an appointed judicial officer shall be vested by the judges of the family division of the Marion superior court with suitable powers for the handling of all probate matters of the court.
- Removes and reallocates the powers and duties of a probate hearing judge, probate commissioner, juvenile referee, bail commissioner, and master commissioner from the Marion superior court.
- Provides that the Marion County judicial selection committee nomination procedure shall be followed when filling a vacancy that occurs in a court.
- Provides that a sheriff's service of process fee for each service performed outside Marion County applies to cases in the Marion County small claims court.
- Provides that the:
 - (1) clerk of a circuit court;
 - (2) clerk of a city or town court; or
 - (3) judge of a city or town court that does not have a clerk; may retain as an administrative fee an amount of up to \$3 from the excess amount collected by the clerk for general court costs.

SEA 163, P.L. 56 - TOWN FISCAL MANAGEMENT

Author: Young (R-Indianapolis)

Sponsor: Steuerwald (R-Avon)

- Changes the population point that distinguishes a second class city from a third class city from 35,000 to 34,000.
- Authorizes a town with a population of more than 34,000 to create the office of town controller, appointed by the town legislative body.

SEA 166, P.L. 57 - PUBLIC-PRIVATE AGREEMENTS

Author: Walker, K (R-Lawrence)

Sponsor: Pressel (R-Rolling Prairie)

- Provides that a governmental body may enter into a public-private agreement with respect to a transportation project.
- Provides that any public-private agreement with respect to a transportation project may use availability payments to finance all or a portion of the project.
- Provides that a governmental body may also enter into a development agreement with a private party for the development, construction, and financing of a privately owned and operated transportation or infrastructure project if the development agreement meets certain conditions.
- Specifies the contents of public-private agreements for transportation facilities or transportation projects and establishes requirements for the operator of the transportation facility or transportation project.
- Provides for a property tax exemption and a sales tax exemption.
- Defines terms.

SEA 245, P.L. 58 - STATEWIDE SPORTS AND TOURISM BID FUND

Author: Walker, K (R-Lawrence)

Sponsor: Heine (R-New Haven)

- Establishes the statewide sports and tourism bid fund (fund) to provide funding for the purpose

of organizing and holding sports and tourism events in Indiana.

- Provides that the Indiana destination development corporation (IDDC) shall administer the fund.
- Requires the IDDC to distribute to the Indiana Sports Corporation a grant amount equal to the amount appropriated by the general assembly to the fund.
- Provides that the Indiana Sports Corporation shall manage the funds in accordance with the general laws of the state relating to the handling of public funds.
- Requires that the Indiana Sports Corporation ensure that not less than 30% of the money received by the Indiana Sports Corporation each biennium is used for events that are conducted outside of Marion County.
- Authorizes the Indiana Sports Corporation to award grants to other eligible entities for the purpose of organizing and holding an event in Indiana.
- Requires the Indiana Sports Corporation to annually report to the budget committee on the use of the money received from the fund.

SEA 273, P.L. 61 - FINANCING OF WATER AND WASTEWATER UTILITY ASSETS

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

- Provides that the IURC may approve periodic tracking mechanisms for water or wastewater utilities to permit such utilities to recover the following:
 - (1) Changes in property taxes.
 - (2) With respect to customers located within the geographic boundaries of local units of government, incremental costs of operation and maintenance resulting from policies or ordinances that are adopted by those local units and that the IURC determines to be unusual but not necessarily unreasonable.
- Requires the IURC to adopt rules to define what is unreasonable with respect to road cut permits and other specifications or policies established by a local unit that imposes costs on water or wastewater utilities.
- Amends the statute concerning wholesale water sales between small water utilities by increasing from 5,000 to 8,000 the threshold number of customers served by a water utility (as either a purchaser or supplier) for purposes of the statute.
- Amends the statute governing infrastructure improvement charges for water or wastewater utilities as follows:
 - (1) Specifies that an “eligible infrastructure improvement” includes:
 - (A) a project to relocate existing utility plant, including projects to accommodate the construction, reconstruction, or improvement of a highway, street, or road; and
 - (B) a project that does not increase revenues by connecting to new customers, even if the project provides greater available capacity with respect to an eligible utility’s distribution or collection plant.
 - (2) Sets forth distinctions for public utilities, municipally owned utilities, and not-for-profit utilities with respect to:
 - (A) costs that are eligible for recovery under the statute;
 - (B) the factors the IURC may consider in determining the amount of allowable cost recovery; and
 - (C) the resetting of the adjustment amount after a base rate case.
 - (3) Specifies that the limitation restricting total adjustment revenues to 10% of an eligible utility’s most recently approved base revenue level does not apply with respect to property taxes associated with eligible infrastructure improvements.
- Amends provisions in the Indiana Code chapter concerning a utility company’s acquisition of an offered water or wastewater utility, by providing that the rates charged by the acquiring utility company are not considered to increase unreasonably as a result of the acquisition if the net original cost of the acquired assets does not exceed 2% of the acquiring utility company’s net original cost rate base as determined in the acquiring utility’s most recent general rate case,

plus any adjustments to the rate base resulting from:

- (1) an infrastructure improvement charge; or
 - (2) an adjustment rider for service enhancement improvement costs; that have occurred after the rate case.
- Makes a similar change to the Indiana Code section concerning the sale of a municipally owned utility's nonsurplus utility property.

SEA 299, P.L. 23 - ANNEXATION OF FIRE PROTECTION DISTRICT TERRITORY

Author: Rogers (R-Granger)

Sponsor: Miller (R-Elkhart)

- Provides the following with regard to certain annexations that include property within a fire protection district (district) for which the annexation ordinance was adopted after December 31, 2020:
 - (1) The annexation is effective at least 30 days after the annexation ordinance is adopted, published, and filed with state and county officials. (Under current law, with certain exceptions, an annexation of property within a district takes effect the second January 1 after the ordinance is adopted and filed with state and county officials.)
 - (2) Exempts the municipality from provisions requiring the municipality to:
 - (A) commence fire protection service to the annexed territory on the ordinance's effective date; and
 - (B) notify the district within 10 days of commencing fire protection service to the annexed territory. Makes stylistic changes.

SEA 361, P.L. 135 - ECONOMIC DEVELOPMENT

Author: Mishler (R-Bremen)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 361, authored by Sen. Ryan Mishler (R-Bremen) and sponsored by Rep. Tim Brown (R-Crawfordsville), is the Indiana Economic Development Corporation's agency bill. It includes multiple provisions impacting local units of government, including the establishment of Innovation Development Districts (IDD's) and authorization for local units of government to establish a Workforce Retention and Recruitment Program and Fund.

The creation of IDD's as a new tool for the IEDC to attract transformational projects to the state of Indiana was a top priority for Governor Holcomb and both Senate and House leadership. IDD's are essentially TIF districts with the ability to capture state sales, state income, and local property taxes. As introduced, SEA 361 would have allowed the IEDC to designate any area in the state as an allocation area for the purposes of these Innovation Development Districts without meaningful local input. Aim successfully worked with the bill authors throughout session to ensure the legislation did not negatively impact existing TIF districts, included meaningful input by local officials, and required the increment raised by local property taxes be used to benefit the area where the district is established. The final version of the bill requires that executives of affected local units must enter into an agreement with the IEDC on the terms of the district prior to the district moving forward for all projects under \$2 billion in investment. For projects over \$2 billion, truly transformative projects, local leaders are still brought in for discussion and collaboration on the front end, but do not have the veto power that exists for projects under \$2 billion. This addition represents a significant move by the legislature and the IEDC to recognize the necessity of local collaboration and input.

A separate provision in SEA 361 allows a county, city, or town to establish a Workforce Retention and Recruitment Program and Fund for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified

workers. It authorizes the unit to transfer money into the fund from a variety of sources, including TIF. The bill provides that the executive of the unit shall administer the fund in coordination with a Workforce Fund Board of Managers appointed by the executive of the unit.

- Makes certain amendments to the Hoosier business investment tax credit, the economic development for a growing economy tax credit, the headquarters relocation tax credit, and the redevelopment tax credit.
- Adds veteran owned businesses to the list of businesses that would qualify for an enhanced venture capital tax credit.
- Limits the total amount of credits that the Indiana economic development corporation (IEDC) may award for a calendar year for all taxpayers for all applicable tax credits to \$300,000,000.
- Specifies the procedure by which the IEDC may designate an area as an innovation development district (district).
- Requires the IEDC to enter into an agreement with the executive of a city, town, or county, or, if applicable, executives, with territory located in the district establishing the terms and conditions governing certain districts.
- Requires the IEDC to establish a local innovation development district fund for each district.
- Provides that money in a local innovation development district fund is continuously appropriated for the uses of the fund.
- Authorizes a county, city, or town to establish a workforce retention and recruitment program and fund (fund) for the purposes of recruiting and retaining individuals who will satisfy the current and future workforce needs of the unit's employers or provide substantial economic impact to the unit, including providing incentives in the form of grants or loans to qualified workers.
- Authorizes the unit to transfer money into the fund from other sources.
- Provides that the executive of the unit shall administer the fund in coordination with a workforce fund board of managers appointed by the executive of the unit.
- Provides that the IEDC may award a tax credit for media production expenses for certain media productions in Indiana. Provides for the augmentation of the amount appropriated to the IEDC in an amount not to exceed \$300,000,000 for the purposes of business promotion and innovation.
- Specifies that funds appropriated to the IEDC for the purposes of business promotion and innovation do not revert to the state general fund.
- Requires the IEDC to identify state laws and regulations that burden existing businesses or inhibit creation of new businesses and provide a report with recommendations to the general assembly and budget committee.
- Makes conforming changes.

SEA 374, P.L 27 - REGIONAL WATER OR SEWER DISTRICT SERVICE AREAS

Author: Messmer (R-Jasper)

Sponsor: Lindauer (R-Jasper)

Aim Comments:

SEA 374, authored by Sen. Mark Messmer (R-Jasper) and Rep. Shane Lindauer (R-Jasper) clarifies that if a regional sewer or water district is serving a customer base and has debt obligations, a municipally owned utility cannot serve those customers after an annexation while the loan remains outstanding. Sen. Messmer authored this language on behalf of a district in his community who was having issues securing a loan due to concerns about changes in their customer base. The bill was amended on second reading to clarify that if customers in the district's territory or not receiving service, another utility can provide the service.

- Provides that the services in those parts of a regional water, sewage, or solid waste district (district) in which they are provided or made available by the district shall not be curtailed or

limited by:

- (1) the inclusion of all or part of the district's territory, by annexation or otherwise, within the boundaries of:
 - (A) any municipality; or
 - (B) the service territory of another provider of the same services; or
 - (2) the granting of any private franchise to provide the same services within all or part of the district's territory; during the term of any loan under which the district is obligated, regardless of whether the loan is made by a public or private lender.
- Provides that the occurrence of any of these events does not require a district to secure any franchise, license, or permit as a condition to continuing to provide service to any part of the district's territory served by the district at the time of the occurrence of the event.

SEA 382, P.L. 137 - VARIOUS TAX MATTERS

Author: Holdman (R-Markle)

Sponsor: Brown (R-Crawfordsville)

Aim Comments:

SEA 382 is the annual Department of Revenue (DOR) agency bill that includes numerous tax provisions. It is often a home for miscellaneous tax provisions that affect local government, and this year was no exception.

Included in this bill was a \$7.1million transfer to the state GIS office to improve their data collection from county offices so that it is in a complete and uniform format statewide. This will allow the state to integrate the data into the DOR's tax systems. This is an essential technical fix if municipalities are ever going to be able to have local income taxes adopted and levied at the municipal level.

This bill also includes Food and Beverage tax language for Fishers and Nashville and extends the legal duration of LITs for correctional facilities. The only negative provision in the bill for local governments is changing the assessment methodology for self-storage facilities to be the lowest of the three allowable assessment methods.

- Allows certain corporations to make an election to determine the corporation's state adjusted gross income tax under specified provisions.
- Requires all wagering taxes to be reported and remitted electronically through the department of state revenue (department) online tax filing program.
- Amends the distribution date for certain alcoholic beverage tax revenue and wagering tax and fee revenue.
- Provides that a taxpayer is not required to file subsequent personal property tax returns for the business personal property exemption.
- Provides that the true tax value of a self-service storage facility must be determined based solely on the land and the improvements, less normal depreciation and normal obsolescence, and must exclude business intangible value.
- Clarifies provisions regarding application of the sales tax to transactions in which a person acquires an aircraft for rental or leasing in the ordinary course of the person's business.
- Reorganizes and revises provisions that apply to the sales tax exemption for nonprofit organizations.
- Reorganizes and revises provisions regarding sales tax exemptions for utilities. Provides required report filing deadlines for exempt transactions for certain retail merchants.
- Provides that if an amount would have been excludible under Section 108(f)(5) of the Internal Revenue Code as in effect on January 1, 2020, the amount is not required to be added back under the Indiana adjusted gross income provisions.
- Requires certain state or local government employees to submit to criminal history background checks at least once every five years (as opposed to 10 years under current law).

- Allows certain small businesses to deduct amounts paid for health insurance premiums from Indiana adjusted gross income.
- Amends sales tax provisions that apply to wholesale sales.
- Clarifies that a marketplace facilitator is considered the retail merchant for transactions it facilitates on its marketplace regardless as to whether the marketplace facilitator has a contractual relationship with the seller.
- Allows nonresident shareholders and partners of a partnership to make an election to opt out of withholding tax requirements in certain specified circumstances.
- Clarifies the reporting process used for distribution of local income tax (LIT) revenue to conform to current practice.
- Amends due date provisions for returns, refunds, assessments, or other submissions under the state income tax and financial institutions tax.
- Provides that an election by a corporation to make a consolidated return continues to apply following a corporate reorganization or sale.
- Makes technical and clarifying changes to the procedures for reporting federal partnership audit adjustments.
- Provides an affordable and workforce housing state tax credit against state tax liability to a taxpayer for each taxable year in the state tax credit period of a qualified project in an aggregate amount that does not exceed the product of a percentage between 40% and 100% and the amount of the taxpayer's aggregate federal tax credit for the qualified project.
- Provides that an eligible applicant must apply to the Indiana housing and community development authority for an award of an affordable and workforce housing state tax credit.
- Provides that a holder of an affordable and workforce housing state tax credit may transfer, sell, or assign all or part of the holder's right to claim the state tax credit for a taxable year.
- Increases the number of years a LIT expenditure tax rate for correctional facilities and rehabilitation facilities may be imposed from 22 to 25 years in the case of a tax rate adopted after January 1, 2019.
- Adds procedures to allow the department to offset LIT distributions to local units when an over distribution has been made either in error or because a taxpayer refund is approved after the distribution.
- Makes a technical correction to tax penalty provisions that apply to pass through entities.
- Reduces the tax rate imposed on the distribution of closed system cartridges beginning July 1, 2022, from 25% to 15% of the wholesale price.
- Requires remote sellers to collect the tobacco products tax on taxable products. Imposes a tax on the distribution of alternative nicotine products in Indiana based on a rate of \$0.40 per ounce of the product weight as listed by the manufacturer.
- Defines "alternative nicotine products" for purposes of the tax.
- Clarifies that, in the case of distributor to distributor transactions, the tobacco products tax is imposed at the time a distributor first receives the tobacco products in Indiana.
- Amends provisions that apply to a refund of a tobacco products license fee when a license is surrendered to the department before its expiration.
- Imposes a penalty on retailers who purchase tobacco products or cigarettes from a distributor who has not obtained a registration certificate from the department (or whose registration certification is revoked or suspended).
- Authorizes the department to revoke or suspend a registration certificate for failure to comply with certain reporting requirements.
- Provides the basis upon which the department may refuse to issue or renew a registration certificate.
- Provides that the department may require reporting of any information reasonably necessary to determine alcoholic beverage excise tax liability.
- Clarifies provisions that specify the effective date of an innkeeper's tax ordinance and the subsequent tax collection duties of the department.
- Adds similar provisions under the food and beverage tax.

- Requires the budget agency to transfer \$7,100,000 from the state general fund to the Indiana mapping data and standards fund to be used for:
 - (1) the implementation of the geographic information system (GIS) for the state and local income taxes, as well as listed taxes, administrated by the department; and
 - (2) the purposes of the Indiana geographic information office.
- Requires the budget agency to create a report on the current GIS related contract costs for all state agencies that could be eliminated in order to offset the required future state appropriations needed to fund the office and submit the report to the interim study committee on fiscal policy before November 1, 2022.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.
- Provides that revenue received from the Nashville food and beverage tax may be used for grants to local businesses to make building improvements.
- Removes an outdated reference in the Indiana Administrative Code regarding a property tax exemption for public airports.
- Makes conforming changes.
- Makes an appropriation.



Accelerate Indiana
Municipalities

2022

Public Safety

HEA 1004, P.L. 45 - DEPARTMENT OF CORRECTION

Author: Frye (R- Greensburg)

Sponsor: Koch (R-Bedford)

- Amends and updates certain terms involving direct placement in a community corrections program. Updates the definition of “community corrections program”.
- Specifies that a court may suspend any portion of a sentence and order a person to be placed in a community corrections program for the part of the sentence which must be executed.
- Provides that a person placed on a level of supervision as part of a community corrections program:
 - (1) is entitled to earned good time credit;
 - (2) may not earn educational credit; and
 - (3) may be deprived of earned good time credit.
- Provides that when a person completes a placement program, the court may place the person on probation.
- Provides that a court may commit a person convicted of a Level 6 felony for an offense committed after June 30, 2022, to the department of correction (department), and that, consistent with current law, a court may commit a person convicted of a Level 6 felony for an offense committed before July 1, 2022, to the department only if certain circumstances exist.
- Establishes certain conditions of parole for a person on lifetime parole and makes the violation of parole conditions and commission of specified other acts by a person on lifetime parole a Level 6 felony, with an enhancement to a Level 5 felony for a second or subsequent offense.
- Provides that, for purposes of calculating accrued time and good time credit, a calendar day includes a partial calendar day.
- Makes conforming changes.

HEA 1079, P.L. 92 - ELEMENTS OF RAPE

Author: Negele (R-Attica)

Sponsor: Bohacek (R-Michiana Shores)

- Provides that a person commits rape if the person engages in sexual activity with another person and the person disregards the other person’s attempts to refuse the person’s acts.

HEA 1093, P.L. 139 - EDUCATION MATTERS

Author: Behning (R-Indianapolis)

Sponsor: Raatz (R-Richmond)

- Amends the membership and duties of the early learning advisory committee.
- Makes changes to the definition of “school resource officer”.
- Provides that, after June 30, 2023, if a school corporation or charter school enters into a contract for a school resource officer, certain school corporations or charter schools must enter into a memorandum of understanding with the law enforcement agency that employs or appointed the law enforcement officer who will perform the duties of a school resource officer.
- Provides that certain parties are prohibited from incentivizing the enrollment, reenrollment, or continued attendance of a student or prospective student by offering or giving an item that has monetary value.
- Requires the Indiana charter school board (board) to appoint an executive director to carry out the duties and daily operations of the board.
- Establishes the executive director’s duties. Provides that the board shall establish certain processes.
- Establishes the Indiana charter school board fund and provides that money in the fund is appropriated continuously for purposes of the board.
- Provides that the department of education (department) may grant an accomplished practitioner’s license under certain conditions.

- Establishes:
 - (1) a definition for “virtual student instructional day”; and
 - (2) requirements for virtual student instructional days.
- Provides that a public school may conduct not more than three virtual student instructional days that do not meet the established requirements.
- Provides that a public school that does not comply with these provisions may not count a student instructional day toward the 180 day student instructional day requirement.
- Allows the department to waive these requirements.
- Provides that the instructional days tuition support distribution formula take into account only certain schools and grades within a school corporation if fewer than all the schools fail to conduct the minimum number of student instructional days.
- Authorizes the department to study and, if recommended, use machine scoring.
- Provides that, after a school receives statewide assessment score reports, a teacher of a student shall discuss the student’s statewide assessment results with a parent at the next parent/teacher conference or, if the school does not hold parent/teacher conferences, send a notice to a parent of the student offering to meet with the parent to discuss the results.
- Provides that the department may include in a contract entered into or renewed after June 30, 2022, with a statewide assessment vendor a requirement that the vendor provide a summary of a student’s statewide assessment results that meets certain requirements.
- Changes the department’s review period for certain funds. Provides that the state board of education shall assign to a school or school corporation (including adult high schools) a “null” or “no letter grade” for the 2021-2022 school year.
- Repeals a provision concerning staffing of the board.

HEA 1137, P.L. 157 - PROTECTIVE ORDERS

Author: Cook (R-Cicero)

Sponsor: Freeman (R-Indianapolis)

- Provides that an order for protection issued ex parte or upon notice and a hearing, or a modification of an order for protection issued ex parte or upon notice and a hearing, is effective:
 - (1) for two years after the date of issuance; or
 - (2) indefinitely after the date of issuance if the respondent is a sex or violent offender and is required to register as a lifetime sex or violent offender and the petitioner was the victim of the crime that resulted in the requirement that the respondent register as a lifetime sex or violent offender.
- Requires a respondent who is subject to an indefinite order for protection to request a hearing in objection to the order of protection within 30 days of the order being issued. Allows any party to request a hearing on a two year order for protection at any time.
- Provides that a person may only request one judicial review hearing on a protection order.

HEA 1174, P.L. 119 - SPECIAL DEATH BENEFIT

Author: VanNatter (R-Kokomo)

Sponsor: Mishler (R-Bremen)

- Requires the long term and short term disability plans for state employees to provide on a biweekly basis, after a seven day elimination period, 100% of qualified wages for a correctional officer employed by the department of correction who is disabled by injuries resulting from certain tortious acts.
- Requires the state personnel department to amend a section of the Indiana Administrative Code. Provides as follows beginning July 1, 2023:
 - (1) Specifies the meaning of a death in the line of duty as it relates to a county coroner or deputy county coroner.
 - (2) Adds county coroners and deputy county coroners to the list of:
 - (A) public safety officers whose relative receives a special death benefit if the officer dies in the line of duty; and

- (B) employees who may qualify for a presumption of disability or death in the line of duty.
- (3) Adds county coroners and deputy county coroners to the list of designated Indiana first responders. Makes conforming technical corrections.

HEA 1292, P.L. 98 - COMPENSATION FOR VICTIMS OF VIOLENT CRIMES

Author: Negele (R-Attica)

Sponsor: Crider (R-Greenfield)

- Changes, for purposes of the law concerning compensation to victims of violent crime, the definition of "claimant" to include certain family members of a victim.
- Expands the list of expenses eligible for compensation to include crime scene cleanup and replacement windows or door locks.
- Allows the victim services division of the Indiana criminal justice institute to accept proof that evidence was collected during a forensic exam as a claimant's cooperation with law enforcement.
- Specifies that a person who contributed to the injury or death of the victim may not receive benefits.

HEA 1296, P.L. 175 - FIREARMS MATTERS

Author: Smaltz (R- Auburn)

Sponsor: Koch (R-Bedford)

- Repeals the law that requires a person to obtain a license to carry a handgun in Indiana.
- Specifies that certain persons who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit from the state to carry a handgun in Indiana.
- Prohibits certain individuals from knowingly or intentionally carrying a handgun.
- Creates the crime of "unlawful carrying of a handgun" and specifies the penalties for committing this crime.
- Allows particular individuals who do not meet the requirements to receive a handgun license and are not otherwise prohibited to carry a handgun in limited places.
- Allows a resident of Indiana to obtain in certain circumstances a license to carry a handgun in Indiana.
- Makes theft of a firearm a Level 5 felony.
- Defines certain terms.
- Makes conforming amendments and repeals obsolete provisions.

HEA 1300, P.L. 147 - BAIL

Author: Mayfield (R-Martinsville)

Sponsor: Freeman (R-Indianapolis)

- Defines "charitable bail organization" and allows a charitable organization to pay bail on behalf of specified defendants if the organization meets certain criteria and is certified by the commissioner of the department of insurance (commissioner).
- Specifies the circumstances under which a certification may be revoked, and exempts from the certification requirement a person that pays bail for:
 - (1) not more than three individuals in any 180 day period; or
 - (2) a relative.
- Requires the commissioner to adopt rules, including emergency rules, for the certification of charitable bail organizations.
- Prohibits the state and a political subdivision from:
 - (1) posting bail for any person; or
 - (2) for the purpose of posting bail for any person, providing a grant or other funding, directly or indirectly, to an entity that posts bail for any person.
- Requires a person paying cash bail, including a charitable bail organization, to execute an agreement allowing the court to retain all or part of the bail to pay certain court costs.
- Requires that bail be returned to the person who posted it.

- Provides that a case management system developed and operated by the office of judicial administration must include a searchable field for certain information of the bail agent or a person authorized by the surety that pays bail for an individual.

HEA 1314, P.L. 170 - PUBLIC SAFETY MATTERS

Author: Barrett (R-Richmond)

Sponsor: Walker, K (R-Lawrence)

- Provides that a surviving spouse or child of a department of homeland security (department) fire investigator is eligible to receive health coverage under the health coverage plan for active employees provided by the employer.
- Provides that a department fire investigator who is diagnosed with certain health conditions that result in a disability or death is presumed to have incurred the health condition in the line of duty.
- Provides that the Indiana guard reserve (guard) is comprised of volunteer citizens. Provides that the adjutant general (general) may adopt policies for the guard.
- Requires the general to establish certain structures, processes, and organizational controls for the guard.
- Repeals a provision concerning the guard serving outside Indiana.
- Provides that, if called for voluntary service, the guard must follow the rules and procedures of the Indiana national guard and those set by the general.
- Amends a provision to specify that the general may obtain insurance for the guard under certain circumstances. Repeals a provision regarding quarterly pay for the guard.
- Provides that, not later than October 31, 2022, the department, the department of health, the integrated public safety commission, and the statewide 911 board shall submit recommendations regarding:
 - (1) ways the 911 system can increase interoperability to better facilitate an emergency medical services (EMS) response from the closest and most appropriate resource; and
 - (2) the effectiveness of regionalized trauma systems and their impact on patient care; to the executive director of the legislative services agency for distribution to the general assembly.
- Provides that a department fire investigator who is diagnosed with certain cancers or heart or lung disease that results in a disability is presumed to have incurred the health condition in the line of duty.
- Establishes the first responder crisis intervention account within the statewide 9-8-8 trust fund for the purpose of awarding grants to public safety agencies that provide first responder emergency services.
- Provides that the division of mental health and addiction shall administer the account.
- Provides that a fire department is required to report annually to the department information regarding each emergency response by the fire department.
- Provides that, in the event the fire department does not report information regarding emergency responses, the department may determine that the fire department is ineligible to receive grants administered by the department.
- Makes changes to how public safety fees from the retail sale of fireworks are distributed.
- Provides, after June 30, 2023, that the minimum basic training requirements that a volunteer firefighter must complete before the firefighter may perform emergency response duties do not include interior firefighter operations.
- Makes changes to various definitions used in relation to the provision of emergency medical services.
- Provides that the department may (rather than shall, under current law) waive any rule adopted by the emergency medical services commission for a person who provides emergency ambulance service, an emergency medical technician, an advanced emergency medical technician, a paramedic, or an ambulance when operating from a location in an adjoining state.
- Makes changes to notice requirements for the acquisition and location of a defibrillator.

- Provides that an individual who holds a license or certification issued by the emergency medical services commission is subject to disciplinary sanctions if the individual fails to notify the department in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol, within 90 days after the entry of an order or judgment.
- Provides that each ambulance service shall participate in a written quality assurance program.
- Makes changes to the provision relating to data sharing of pre-hospital ambulance reports by the emergency medical services commission or the department.
- Removes obsolete provisions and makes conforming amendments.
- Repeals a provision requiring a person who uses a defibrillator to contact the ambulance service provider or the fire department that provides ambulance service for the area as soon as practicable.
- Provides for the attending physician, or the physician's designee, of a patient needing transportation by ambulance to sign an order that states the level of ambulance service needed for the patient and the condition or diagnosis of the patient that makes the transportation of the patient by ambulance necessary.
- Amends the law on emergency medical services to make that law apply to nonemergency ambulance services as well as emergency ambulance services.
- Requires a health plan to fairly negotiate rates and terms with any ambulance service provider willing to become a participating provider with respect to the health plan.
- Provides that an accident and sickness insurance policy or HMO contract that provides coverage for emergency medical services must also provide reimbursement for:
 - (1) emergency ambulance services; and
 - (2) specialty care transport; provided by an emergency medical services provider organization.
- Provides that reimbursement provided for basic and advanced life support services through an accident and sickness insurance policy or HMO contract must be provided on an equal basis regardless of whether the services involve transportation of the patient by ambulance.

HEA 1351, P.L. 171 - DISCLOSURE OR NOTIFICATION OF DATA BREACH

Author: Carbaugh (R-Fort Wayne)

Sponsor: Busch (R-Fort Wayne)

- Adds a requirement that disclosure or notice must occur not more than 45 days after the discovery of a breach.

HEA 1359, P.L. 101 - JUVENILE LAW MATTERS

Author: McNamara (R-Evansville)

Sponsor: Crider (R-Greenfield)

- Requires the commission on improving the status of children in Indiana (commission) to create a statewide juvenile justice oversight body (oversight body) to do the following:
 - (1) Develop a plan to collect and report statewide juvenile justice data.
 - (2) Establish procedures and policies related to the use of certain screening tools and assessments.
 - (3) Develop a statewide plan to address the provision of broader behavioral health services to children in the juvenile justice system.
 - (4) Develop a plan for the provision of transitional services for a child who is a ward of the department of correction.
 - (5) Develop a plan for the juvenile diversion and community alternatives grant programs.
- Provides that the oversight body shall, not later than July 1, 2023, submit to the commission and the legislative council:
 - (1) the plan for the juvenile diversion and community alternatives grant programs; and
 - (2) the juvenile justice data collection plan and the plan for the use of screening tools, assessments, and services.
- Requires the judicial conference of Indiana to develop statewide juvenile probation standards

that are aligned with research based practices, and requires the board of directors of the judicial conference of Indiana to approve the standards by July 1, 2023.

- Requires the use of a risk and needs assessment tool, a risk screening tool, and a diagnostic assessment when evaluating a child at specific points in the juvenile justice system to identify the child's risk for reoffense.
- Requires an intake officer and the juvenile court to use the results of a detention tool to inform the use of secure detention and document the reason for the use of detention if the tool is overridden.
- Requires a court to:
 - (1) after use of a detention tool, include in a court order the reason for a juvenile detention override; and
 - (2) submit details of the juvenile detention override to the office of judicial administration (office).
- Requires the office to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes information about a court's use of a detention tool and reasons for overriding the results of the detention tool.
- Provides that a child less than 12 years of age cannot be detained unless detention is essential to protect the community and no reasonable alternatives exist to reduce the risk.
- Establishes a procedure for juvenile diversion.
- Requires the office to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes data on any child diverted through the juvenile diversion program. Repeals provisions requiring a child who participates in a program of informal adjustment to pay an informal adjustment program fee.
- Provides that a child who is a ward of the department of correction may receive at least three months of transitional services to support reintegration of the child back into the community and to reduce recidivism.
- Requires the department of correction to provide an annual report to the governor, chief justice, and legislative council before December 1 of each year that includes collected data that will help assess the impact of reintegration improvements for juveniles, including tracking recidivism beyond incarceration and into the adult system.
- Provides that a juvenile court may recommend telehealth services as an alternative to a child receiving a diagnostic assessment.
- Establishes:
 - (1) the juvenile diversion and community alternatives grant programs and grant programs fund; and
 - (2) the juvenile behavioral health competitive grant pilot program and grant pilot program fund; as of July 1, 2023.
- Requires the Indiana criminal justice institute (institute) to administer each program and fund. Requires the local or regional justice reinvestment advisory council or another local collaborative body to oversee certain juvenile community alternatives grants awarded to a county.
- Requires the institute to prepare an annual report to the governor, chief justice, and legislative council before December 1 of each year that details certain performance measures that counties receiving grants must collect and report.
- Requires the office of judicial administration to administer the statewide juvenile justice data aggregation plan.
- Makes conforming changes.
- Makes a technical correction.

SEA 7, P.L. 103 - MARION COUNTY CRIME REDUCTION PILOT

Author: Sandlin (R-Indianapolis)

Sponsor: Speedy (R-Indianapolis)

- Establishes the Marion County crime reduction board (board) as part of the Marion County crime reduction pilot project. Allows the board to approve interoperability agreements between law

enforcement agencies to expand the duties and responsibilities of law enforcement agencies operating in downtown Indianapolis.

- Requires the board to annually report certain information to the legislative council.

SEA 9, P.L. 84 - ELECTRONIC MONITORING STANDARDS

Author: Walker, K (R-Lawrence)

Sponsor: Torr (R-Carmel)

- Requires the justice reinvestment advisory council to conduct a review of statutes concerning electronic monitoring and home detention and provide a recommendation with regard to electronic monitoring standards to the legislative council in an electronic format not later than December 1, 2022.
- Establishes standards, including notification time frames, for persons and entities responsible for monitoring individuals required to wear a monitoring device as a condition of probation, parole, pretrial release, or community corrections.
- Provides immunity for acts or omissions performed in connection with implementing monitoring standards. Provides that a defendant commits escape if:
 - (1) the defendant disables or interferes with the operation of an electronic monitoring device;
or
 - (2) the defendant violates certain conditions of home detention (under current law, any violation of a condition of home detention constitutes escape).
- Makes escape committed by a juvenile status offender a status offense under certain circumstances.
- Makes conforming amendments.

SEA 19, P.L. 4 - SENTENCE ENHANCEMENT FOR USE OF FIREARM

Author: Gaskill (R-Pendleton)

Sponsor: Jeter (R-Fishers)

- Adds an investigator for the inspector general to the definition of “police officer” for purposes of the statute providing a sentence enhancement for individuals who point or discharge a firearm at a police officer while committing certain crimes.

SEA 70, P.L. 5 - OBSTRUCTION OF JUSTICE

Author: Crider (R-Greenfield)

Sponsor: McNamara (R-Evansville)

- Provides that a person commits obstruction of justice if the person induces a witness in a legal proceeding to:
 - (1) withhold or delay producing evidence that the witness is legally required to produce;
 - (2) avoid a subpoena or court order;
 - (3) not appear at a proceeding to which the witness has been summoned; or
 - (4) give a false or materially misleading statement.
- Provides that a person commits obstruction of justice, as a Level 5 felony, if the person induces a witness to give a false or materially misleading statement during the investigation or pendency of a domestic violence or child abuse case.
- Establishes a uniform definition of “communicates” for the criminal code.
- Makes other changes and conforming amendments.

SEA 76, P.L. 6 - MEET AND CONFER FOR PUBLIC SAFETY EMPLOYEES

Author: Boots (R-Crawfordsville)

Sponsor: Frye (R- Greensburg)

Aim Comments:

SEA 76 allows either a public safety employer or employee to request a nonbinding, advisory opinion from the commissioner of the Department of Labor regarding an employment dispute. Either the

employer or employee may request an opinion from the commissioner in writing and the commissioner of labor may decide to not hear the dispute, appoint an intermediary to hear the dispute, and/or make a nonbinding recommendation. Requests for advisory opinions from the commissioner are limited to not more than one per year for each party. Administrative costs for the meetings, advisory opinion, and mediation are to be split and paid equally between the employer and the representative of the employee(s).

- Allows an employer or an exclusive recognized representative of full-time employees of a police or fire department (exclusive representative) to request, in specified circumstances, an advisory opinion from the commissioner of labor (commissioner).
- Specifies a process by which an employer or exclusive representative may appeal in certain instances to the commissioner to request mediation and conciliation.
- Makes technical corrections and a conforming amendment.

SEA 117, P.L. 86 - POLICE LOG INFORMATION

Author: Walker, K (R-Lawrence)

Sponsor: Bartels (R-Eckerty)

Aim Comments:

SEA 117 protects the identity of a victim under the age of 18 from being released through publicly accessible police daily logs without first receiving consent from the minor victim's legal guardian. This piece of legislation was one of Aim's legislative initiatives this session. It stemmed from a situation where a minor victim's name and age was published in a local newspaper before the victim's family was notified.

The previous law required the identity of victims be disclosed in the daily police log unless they were a victim of human trafficking or a sexually violent crime. SEA 117 expands this exception to public disclosure to protect the confidentiality of victims under the age of 18 of crimes or delinquent acts.

- Provides that certain information contained in a daily log of a law enforcement agency relating to the victim of a crime or delinquent act who is less than 18 years of age may not be disclosed by a public agency without the consent of the child's parent, guardian, or custodian, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery.
- Provides that the information may be disclosed to the department of child services.
- Provides that a law enforcement agency shall maintain a daily log or record that lists suspected or investigated crimes, accidents, or complaints. (Current law provides that a law enforcement agency shall maintain a daily log or record that lists suspected crimes, accidents, or complaints.)
- Prohibits, after June 30, 2023, the broadcast of a Social Security number by police radio unless the broadcast is encrypted.

SEA 155, P.L. 153 - HUMAN TRAFFICKING

Author: Crider (R-Greenfield)

Sponsor: McNamara (R-Evansville)

- Modifies the definition of "protected person" for purposes of the admission of a statement or videotape of an individual who is less than 14 years of age at the time of the offense but less than 18 years of age at the time of trial.
- Provides that a person who knowingly or intentionally:
 - (1) pays, or offers or agrees to pay, money or other property; or
 - (2) offers a benefit; for a human trafficking victim with the specific intent to induce or obtain the product or act for which the human trafficking victim was trafficked commits human trafficking, a Level 4 felony.
- Specifies that consent by the human trafficking victim is not a defense to a prosecution.

- Requires law enforcement agencies to report human trafficking investigations to the attorney general within 30 days after an investigation begins.
- Makes a technical correction.

SEA 158, P.L. 13 - PUBLIC SAFETY TELECOMMUNICATORS

Author: Crider (R-Greenfield)

Sponsor: Frye (R- Greensburg)

- Provides that each unit shall establish certain basic training requirements and continuing education requirements for public safety telecommunicators.
- Provides that costs associated with basic training requirements are considered operating expenses of the statewide 911 system.
- Permits a public safety agency to seek reimbursement from the board for certain training expenses.
- Requires PSAP's to annually report continuing education requirements for public safety telecommunicators to the board.

SEA 185, P.L. 107 - NEWBORN SAFETY DEVICE

Author: Holdman (R-Markle)

Sponsor: Carbaugh (R-Fort Wayne)

- Modifies the newborn safety device requirements that apply to a fire department.
- Modifies the immunity provisions applicable to certain individuals and entities that take custody of a child or operate a newborn safety device.
- Makes conforming changes.

SEA 263, P.L. 89 - EVIDENCE PRESERVATION REQUIREMENTS

Author: Doriot (R-Goshen)

Sponsor: Steuerwald (R-Avon)

- Establishes additional requirements for the disposition of property held as evidence that may contain biological evidence related to an offense, including matters involving postconviction DNA testing and analysis.

SEA 294, P.L. 21 - LAW ENFORCEMENT TRAINING BOARD

Author: Crider (R-Greenfield)

Sponsor: Steuerwald (R-Avon)

- Changes the membership of the law enforcement training board. Requires the creation of certain statewide policies and training programs.
- Requires the creation of minimum standards for certain best practices.

SEA 347, P.L. 64 - TRIBAL LAW ENFORCEMENT

Author: Mishler (R-Bremen)

Sponsor: Teshka (R-South Bend)

- Authorizes police officers appointed by a tribe to exercise police powers in Indiana if the tribal police officer meets the standards of the Indiana law enforcement academy.
- Provides that a tribe may authorize a tribal police officer to exercise police powers in the entire state, or in any part of the state, if certain conditions are met.
- Requires a tribe seeking to employ an individual as a tribal police officer who will exercise police powers in Indiana to request the individual's employment history, if the individual was previously employed by a law enforcement agency.
- Makes conforming amendments.



Accelerate Indiana
Municipalities

2022

Technology
and
Innovation

HEA 1196, P.L. 73 - HOMEOWNERS ASSOCIATIONS AND SOLAR POWER

Author: Speedy (R-Indianapolis)

Sponsor: Rogers (R-Granger)

- Provides that:
 - (1) a homeowners association may require certain screening and preapproval procedures before an owner of a dwelling unit may install a solar energy system; and
 - (2) a homeowners association may prohibit the installation, use, or removal of a solar energy system under certain circumstances.

HEA 1211 - STATE AND LOCAL ADMINISTRATION (VETOED)

Author: Teshka (R-South Bend)

Sponsor: Garten (R-Charlestown)

Aim Comments:

HEA 1211, authored by Rep. Jake Teshka (R-South Bend) and Sen. Chris Garten (R-Charlestown) initially dealt with Block Chain Technology. However, during the last day of session during Conference Committee, the bill was amended to include a requirement that any READI dollars being spent on broadband must be spent using the Next Level Connections requirements. Aim opposed this language because of concerns about the impact to current projects. Aim is supportive of the Next Level Connections program but limiting how READI dollars can be spent for broadband could slow down critical projects that have been planned for by regions across the state. Aim members support policies that allow for quicker access to broadband for both unserved and underserved communities.

Aim submitted a veto request letter to Governor Holcomb and the Governor did veto the bill for multiple reasons, including concerns about the broadband language. A summary of the vetoed bill is below for reference:

- Provided that not later than October 1, 2022, the department of administration (department), on behalf of the office of technology (office), shall issue a request for information for purposes of exploring how blockchain technology could be used by a state agency to:
 - (1) achieve greater cost efficiency and cost effectiveness; and
 - (2) improve consumer convenience, experience, data security, and data privacy.
- Required the office to compile a report concerning the request for information and submit the report to the legislative council in an electronic format not later than March 31, 2023. Defined "blockchain technology" and "distributed ledger technology".
- Required an agency to submit an emergency rule to the attorney general for review and approval before the emergency rule may take effect.
- Provided that emergency rules may not be effective for a period that exceeds 180 days.
- Provided that certain emergency rules expire not more than two years after the rule takes effect.
- Required an agency adopting an administrative rule to submit an economic impact statement and an explanation of any penalty, fine, or other similar negative impact included in the proposed rule to the publisher of the Indiana Administrative Code (publisher).
- Required the publisher to provide a copy of the materials concerning a proposed rule or pending read option to the members of the appropriate standing committee, the governor, and the office of management and budget.
- Provided that administrative rules expire on July 1 of the fourth year after the year in which the rule takes effect (instead of January 1 of the seventh year after the year in which the rule takes effect).
- Required an agency intending to readopt an administrative rule to provide to the publisher, not later than January 1 of the third year after the year in which the rule most recently took effect:
 - (1) notice of; and
 - (2) information concerning; the pending readoption.

- Required that all broadband infrastructure projects that are funded in whole or in part by a grant or loan from the regional economic acceleration and development initiative (READI) fund must satisfy the criteria and requirements as described in the rural broadband program.
- Made corresponding changes.

HEA 1351, P.L. 171 - DISCLOSURE OR NOTIFICATION OF DATA BREACH

Author: Carbaugh (R-Fort Wayne)

Sponsor: Busch (R-Fort Wayne)

- Adds a requirement that disclosure or notice must occur not more than 45 days after the discovery of a breach.



Accelerate Indiana
Municipalities

2022 Utilities

HEA 1110, P.L. 116 - ANNEXATION OF RESIDENTIAL DEVELOPMENT

Author: Soliday (R-Valparaiso)

Sponsor: Charbonneau (R-Valparaiso)

- Allows a class three city to annex:
 - (1) a noncontiguous residential development; and
 - (2) the right of way of a public highway connecting the development to the city.
- Provides that annexation is initiated by:
 - (1) the homeowner's association board petitioning the city legislative body for annexation of the development; and
 - (2) the city legislative body adopting a resolution approving initiation of the annexation process.
- Requires the city to satisfy statutory requirements for annexation including adopting a written fiscal plan and annexation ordinance and conducting an outreach program.
- Changes population parameters to reflect the population count determined under the 2020 decennial census.

HEA 1111, P.L. 71 - UTILITY REGULATORY COMMISSION REPORTING AND RULES

Author: Soliday (R-Valparaiso)

Sponsor: Koch (R-Bedford)

- Amends the statute concerning the required annual report by the utility regulatory commission (IURC) to the governor and the legislative council as follows:
 - (1) Requires the IURC to present the annual report to the interim study committee on energy, utilities, and telecommunications (committee) before October 1 of each year.
 - (2) Provides that the annual report must include certain information concerning:
 - (A) the energy utility industry;
 - (B) the water and wastewater utility industries;
 - (C) the communications services industry; and
 - (D) Indiana's pipeline safety program.
- Makes conforming amendments to the statutes requiring the IURC to report annually to the committee concerning:
 - (1) the energy utility industry; and
 - (2) communications services.
- Makes other conforming amendments to Indiana Code sections referencing the IURC's annual report to the committee concerning communications services.
- Repeals Indiana Code provisions requiring the IURC to report annually to the committee concerning:
 - (1) acquisitions under the statute concerning acquisitions of offered water or wastewater utilities; and
 - (2) the Indiana voluntary clean energy portfolio standard program.
- Requires the IURC to adopt rules as the IURC determines necessary to implement Federal Energy Regulatory Commission Order No. 2222 concerning distributed energy resources and distributed energy resource aggregators.

HEA 1196, P.L. 73 - HOMEOWNERS ASSOCIATIONS AND SOLAR POWER

Author: Speedy (R-Indianapolis)

Sponsor: Rogers (R-Granger)

- Provides that:
 - (1) a homeowners association may require certain screening and preapproval procedures before an owner of a dwelling unit may install a solar energy system; and
 - (2) a homeowners association may prohibit the installation, use, or removal of a solar energy system under certain circumstances.

HEA 1211 - STATE AND LOCAL ADMINISTRATION (VETOED)

Author: Teshka (R-South Bend)

Sponsor: Garten (R-Charlestown)

Aim Comments:

HEA 1211, authored by Rep. Jake Teshka (R-South Bend) and Sen. Chris Garten (R-Charlestown) initially dealt with Block Chain Technology. However, during the last day of session during Conference Committee, the bill was amended to include a requirement that any READI dollars being spent on broadband must be spent using the Next Level Connections requirements. Aim opposed this language because of concerns about the impact to current projects. Aim is supportive of the Next Level Connections program but limiting how READI dollars can be spent for broadband could slow down critical projects that have been planned for by regions across the state. Aim members support policies that allow for quicker access to broadband for both unserved and underserved communities.

Aim submitted a veto request letter to Governor Holcomb and the Governor did veto the bill for multiple reasons, including concerns about the broadband language. A summary of the vetoed bill is below for reference:

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 - (1) achieve greater cost efficiency and cost effectiveness; and
 - (2) improve consumer convenience, experience, data security, and data privacy.
- Required the office to compile a report concerning the request for information and submit the report to the legislative council in an electronic format not later than March 31, 2023. Defined "blockchain technology" and "distributed ledger technology".
- Required an agency to submit an emergency rule to the attorney general for review and approval before the emergency rule may take effect.
- Provided that emergency rules may not be effective for a period that exceeds 180 days.
- Provided that certain emergency rules expire not more than two years after the rule takes effect.
- Required an agency adopting an administrative rule to submit an economic impact statement and an explanation of any penalty, fine, or other similar negative impact included in the proposed rule to the publisher of the Indiana Administrative Code (publisher).
- Required the publisher to provide a copy of the materials concerning a proposed rule or pending read option to the members of the appropriate standing committee, the governor, and the office of management and budget.
- Provided that administrative rules expire on July 1 of the fourth year after the year in which the rule takes effect (instead of January 1 of the seventh year after the year in which the rule takes effect).
- Required an agency intending to readopt an administrative rule to provide to the publisher, not later than January 1 of the third year after the year in which the rule most recently took effect:
 - (1) notice of; and
 - (2) information concerning; the pending readoption.
- Required that all broadband infrastructure projects that are funded in whole or in part by a grant or loan from the regional economic acceleration and development initiative (READI) fund must satisfy the criteria and requirements as described in the rural broadband program.
- Made corresponding changes.

HEA 1221, P.L. 94 - ELECTRIC VEHICLES AND ELECTRICITY PRICING

Author: Soliday (R-Valparaiso)

Sponsor: Koch (R-Bedford)

- Provides that a person that:
 - (1) owns, operates, or leases electric vehicle (EV) supply equipment; and
 - (2) makes the EV supply equipment available for use by the public for compensation; may charge the public for such use based in whole or in part on the kilowatt hours of electricity sold.
- Specifies that a person that makes EV supply equipment available for use by the public for compensation, regardless of whether the person charges the public for such use based on:
 - (1) the kilowatt hours of electricity sold;
 - (2) the amount of time spent by an EV at a designated charging space; or
 - (3) a combination of both; is not a public utility solely by reason of engaging in this activity.
- Authorizes the utility regulatory commission (IURC) to approve:
 - (1) time-varying price structures and tariffs; or
 - (2) other alternative pricing structures and tariffs; for retail energy service.
- Defines a “public use electric vehicle” (public use EV) as any of the following electric vehicles that is used primarily to serve the public:
 - (1) An electric school bus.
 - (2) An electric transit bus.
 - (3) An electric vehicle used by a public or private commercial enterprise primarily to deliver goods or services to the public.
- Authorizes an electric utility (defined as a public utility that is subject to the jurisdiction of the IURC) to request approval from the IURC to implement a public use EV pilot program (pilot program) to do any of the following:
 - (1) Install, own, or operate charging infrastructure or make-ready infrastructure to support public use EVs.
 - (2) Provide incentives or rebates to customers to encourage customer investment in public use EVs and in associated EV supply equipment.
- Sets forth certain required information that an electric utility’s request for approval of a pilot program must include.
- Provides that an electric utility’s request for approval of a pilot program may include a request for:
 - (1) assurance of cost recovery for pilot program capital costs, up to the amount of an approved cost estimate; and
 - (2) deferral of pilot program capital costs.
- Sets forth the processes by which an electric utility may request the IURC’s approval of a pilot program.
- Provides that the IURC shall approve an electric utility’s request for approval of a pilot program if the IURC determines that the proposed pilot program is reasonable, just, and in the public interest.
- Sets forth certain factors that the IURC must consider in making this determination. Specifies that an electric utility is not prohibited from:
 - (1) installing, owning, or operating charging infrastructure or make-ready infrastructure for electric vehicles; and
 - (2) seeking to include the associated capital costs in the electric utility’s basic rates and charges by initiating a proceeding before the IURC.
- Provides that in such a case, the IURC shall approve the inclusion of the capital costs in the electric utility’s basic rates and charges if the IURC finds that the capital costs incurred are reasonable, just, and in the public interest.
- Requires the IURC to adopt rules to implement these provisions.

HEA 1245, P.L. 167 - CONNECTIONS TO WATER AND SEWER SYSTEMS

Author: Pressel (R-Rolling Prairie)

Sponsor: Koch (R-Bedford)

Aim Comments:

HEA 1245 prohibits municipal utilities from including costs in aid of construction in capacity-related fees or tap fees. Costs in aid of construction usually refers to costs associated with system-wide improvements fees such as system development charges, interceptor fees, or availability fees. It also creates a process by which these fees can be challenged and reviewed by the IURC after the property owner has an informal mediation with the utility.

These changes may require municipal utilities to review their fee structures to ensure they are in compliance with the new law and may require you to consult with your financial advisor to ensure you can adequately fund your needed utility improvements without running afoul of the new provisions. This bill also allows any qualified inspector to verify the compliance of a septic system without the ability of the local health department to sign off on the approval. It also prevents ordinances that regulate septic systems more stringently than Indiana State Department of Health guidelines starting July 1, 2023.

- Prohibits:
 - (1) a local unit; or
 - (2) a water or wastewater utility;
- that is not under the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges from charging or collecting from a property owner a capacity related fee or a tap fee either of which is established after June 30, 2022, and that includes contributions in aid of construction.
- Provides that if a local unit or a utility charges a property owner a capacity related fee or a tap fee that is established after June 30, 2022, and that is based, in whole or in part, on contributions in aid of construction, the property owner is entitled to request to meet with the local unit or the utility to review:
 - (1) the engineering and financial analyses the fee was based on; and
 - (2) if applicable, the ordinance adopting the fee.
- Requires a local unit or a utility to meet with a property owner for such a review not later than 30 days after receipt of the property owner's request.
- Provides that if a meeting and review does not result in a satisfactory resolution, the property owner may file with the IURC a petition challenging the fee.
- Provides that if the IURC determines the capacity related fee or tap fee is based in whole or in part on contributions in aid of construction, the IURC shall:
 - (1) invalidate the fee; or
 - (2) modify the fee to comply with these provisions.
- Amends the statute that provides an exemption from the requirement to connect to a regional sewer district's sewer system to a property owner whose septic tank soil absorption system was new at the time of installation as follows:
 - (1) Provides that the local health department's designee or a qualified inspector (in addition to the local health department) may approve the property owner's septic tank soil absorption system at the time of installation.
 - (2) Provides that the 10 year exemption is measured from the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing. (Current law provides that the 10 year exemption is measured from the date the new septic tank soil absorption system was installed.)

- Defines “residential onsite sewage system” as the term is defined by the state department of health (department) in the department’s rule concerning residential onsite sewage systems (department’s rule).
- Changes instances of the term “residential septic system” in current law to the term “residential onsite sewage system”.
- Prohibits a local health department from refusing an application for a permit for a residential onsite sewage system solely because the residential onsite sewage system has not been used previously in the jurisdiction of the local health department or is unfamiliar to the local health department, if the residential onsite sewage system has been approved for general use in Indiana by the department’s technical review panel.
- Provides that if the local health department in one jurisdiction has issued a permit for a particular type of residential onsite sewage system, the local health department in another jurisdiction may not refuse to issue a permit for a residential onsite sewage system of that same type if:
 - (1) a registered professional engineer;
 - (2) a registered soil scientist;
 - (3) a residential onsite sewage system installer; and
 - (4) (if applicable) the designer of the residential onsite sewage system; approve of the use of that type of system in the second jurisdiction.
- Provides that if a registered professional engineer certifies:
 - (1) that the location, design, proposed construction, and proposed installation of a planned residential onsite sewage system comply with the department’s rule, a local health department may not disapprove an application for a permit for the residential onsite sewage system;
 - (2) that the design, construction, installation, location, maintenance, and operation of an existing residential onsite sewage system comply with the department’s rule, a local health department may not issue an order on the basis that the residential onsite sewage system is a failed system; and
 - (3) that an existing residential onsite sewage system is not functioning properly but can be restored to proper functioning through repair, a local health department must allow the repair of the residential onsite sewage system to be made in accordance with the certification of the professional engineer.
- Provides that a local health department may not deny a permit for a residential onsite sewage system in a particular location on the grounds that the soil of the location is too heavily compacted if a registered soil scientist certifies that the soil can be made suitable for the residential onsite sewage system in not more than two years through the planting of plants that loosen and aerate the soil or through other means.
- Provides that after June 30, 2023, a local ordinance or a local health department may not impose residential onsite sewage system requirements, restrictions, or conditions that are more stringent than those of the department’s rule.
- Requires a local health department to issue, in certain circumstances, a permit for a residential onsite sewage system not more than 30 business days after receiving the application for the permit.
- Effective July 1, 2023, voids a provision of the department’s rule stating that the rule does not prohibit local ordinances from imposing requirements more stringent than the requirements of the department’s rule.
- Changes population parameters used in an Indiana Code section concerning the installation of a residential onsite sewage system in fill soil, so as to reflect the population count determined under the 2020 decennial census.
- Amends the Indiana Code section governing the procedures for a proposal to amend or partially repeal a zoning ordinance to require a plan commission to vote on the proposal not later than 60 days after holding the public hearing on the proposal.
- Provides that a property owner whose property is incorporated into the territory of a municipal sanitation district (regardless of whether the property owner has filed a written remonstrance

or an appeal with respect to the incorporation) is exempt from a requirement to connect to the district's sewer system and to discontinue use of a sewage disposal system on the property owner's property if:

- (1) the property owner's sewage disposal system:
 - (A) was new at the time of installation; and
 - (B) was approved in writing by the local health department, the department's designee, or a qualified inspector; and
 - (2) the property owner obtains a written determination from the local health department, the department's designee, or a qualified inspector that the property owner's sewage disposal system is not failing.
- Provides that a property owner who qualifies for this exemption may not be required to connect to the district's sewer system for a period of 10 years beginning on the date of the required written determination of the local health department, the department's designee, or a qualified inspector that the property owner's septic tank soil absorption system is not failing.
 - Provides that a property owner may apply for two five-year extensions of the exemption.
 - Limits the total period during which a property may be exempt from the requirement to connect to a district's sewer system to not more than 20 years, regardless of ownership of the property.
 - Sets forth certain time frames and requirements that apply to a property owner who seeks to claim the exemption.
 - Provides that this exemption does not apply to a property owner whose property is incorporated into a district if:
 - (1) the district has received approval from the Indiana finance authority before January 1, 2022, of a preliminary engineering report:
 - (A) for a project to construct the sewer line to which the property owner's property is being required to connect; and
 - (B) in connection with funding from the wastewater or drinking water revolving loan program; and
 - (2) the timing and requirements for connection to the district's sewer system are the same for all property owners being required to connect to the district's sewer system under the terms of the project.

HEA 1306, P.L. 99 - HOUSING TASK FORCE

Author: Miller (R-Elkhart)

Sponsor: Doriot (R-Goshen)

- Establishes the housing task force to review issues related to housing and housing shortages in Indiana.
- Sets forth membership and requires the task force to issue a report to the general assembly and the governor not later than November 1, 2022.

SEA 271, P.L. 155 - SMALL MODULAR NUCLEAR REACTORS

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

- Amends the statute governing certificates of public convenience and necessity (certificates) that are issued by the Indiana utility regulatory commission (IURC) for the construction, lease, or purchase of electric generation facilities to require the IURC, in consultation with the department of environmental management (department), to adopt rules concerning the granting of certificates for the construction, purchase, or lease of small modular nuclear reactors:
 - (1) in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or
 - (2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011.
- Requires the IURC to adopt the rules not later than July 1, 2023.

- Provides that the rules adopted by the IURC must provide that in acting on a public utility's petition for a certificate for one or more small modular nuclear reactors, the IURC shall consider the following:
 - (1) Whether, and to what extent, the one or more small modular nuclear reactors proposed by the public utility will replace a loss of generating capacity in the public utility's portfolio resulting from the retirement or planned retirement of one or more of existing electric generating facilities that:
 - (A) are located in Indiana; and
 - (B) use coal or natural gas as a fuel source.
 - (2) Whether one or more of the small modular nuclear reactors will be located on the same site as or near the facility to be retired and, if so, potential opportunities for the public utility to:
 - (A) make use of any land and existing infrastructure or facilities already owned or under the control of the public utility; or
 - (B) create new employment opportunities for workers who have been, or would be, displaced as a result of the retirement of the existing facility.
- Provides that the IURC's rules must provide that the IURC may grant a certificate under circumstances and for locations other than these.
- Sets forth additional requirements for small modular nuclear reactors that must be included in the IURC's rules, including the requirement that the owner or operator of a proposed small modular nuclear reactor must provide evidence of a plan to apply for all licenses or permits to construct or operate the proposed small modular nuclear reactor required by the United States Nuclear Regulatory Commission, the department, or any other relevant state or federal regulatory agency.
- Amends the statute providing certain financial incentives for energy utilities that invest in clean energy projects by providing that, for purposes of the statute, a "clean energy project" and a "nuclear energy production or generating facility" include a small modular nuclear reactor that is constructed after June 30, 2023:
 - (1) in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or
 - (2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011; under the rules adopted by the IURC under the bill.
- Defines "small modular nuclear reactor" for purposes of the bill's provisions.

SEA 272, P.L. 18 - WASTEWATER INFRASTRUCTURE

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

Aim Comments:

SEA 272, authored by Sen. Eric Koch (R-Bedford) and Rep. Ed Soliday (R-Valparaiso), includes multiple provisions stemming from the Wastewater Taskforce which met prior to the start of the 2022 legislative session. Similar to the framework created for road funding in 2017, this bill creates a framework to assess infrastructure throughout the state in partnership with Purdue University. It clarifies that a local community must have an asset management plan to apply for loans from the state. It also designates the Indiana Finance Authority (IFA) as the executive branch coordinator for all funds related to drinking water, wastewater, or storm water infrastructure and systems.

The legislation also outlines a three-step process by which failing water and wastewater utilities, including municipally owned utilities, may enter receivership by the IURC after receiving enforcement actions from IDEM. The language was amended in committee to ensure this process only applies to enforcement actions stemming from violations directly tied to public health and environmental violations. This process is not triggered by paperwork violations.

The steps include the following:

1. After the first enforcement order from IDEM is received by the utility, IURC will:
 - a. Perform a review of the rates of the utility to see if they are sufficient to:
 - i. Operate the system; and
 - ii. Pay the debt obligation of the system
 - b. Determine if there is an adequate asset management plan in place
 - c. IURC may consult with LTAP when making these determinations
 2. After a second enforcement action is received within two years of the first the utility will:
 - a. Perform a base rate case before the IURC
 - b. Go under IURC jurisdiction for at least five years
 - c. The utility will undergo one additional rate case at least three years after the first rate case
 3. If there is an additional enforcement order while the utility is under IURC jurisdiction, the IURC may enter receivership proceedings with the utility
 - a. All decisions by IURC or IDEM are subject to administrative review before an ALJ
- Provides that the Indiana finance authority (authority) shall serve as the executive branch coordinator for funds allocated or made available to the state or local communities from federal, state, and other sources for purposes related to drinking water, wastewater, or storm water infrastructure and systems.
 - Sets forth the duties of the authority with respect to this role.
 - Specifies that the authority shall coordinate the executive branch activities related to the state's drinking water and wastewater programs. (Current law provides that the authority shall serve such a role with respect to the state's water programs.)
 - Authorizes the establishment of a drinking water and wastewater infrastructure research and extension program (program) to provide data collection and information, training, and technical assistance concerning:
 - (1) drinking water infrastructure;
 - (2) wastewater infrastructure; and
 - (3) storm water infrastructure; in Indiana.
 - Provides that the authority may:
 - (1) contract with a state supported college or university in Indiana to provide the program; and
 - (2) financially support the program from existing funds appropriated to the authority.
 - Provides that the program may be housed within, or share staff with, the existing research and highway extension program at Purdue University.
 - Provides that the program may provide the following services and programs to, or for the benefit of, utilities providing drinking water, wastewater, or storm water service in Indiana:
 - (1) Assisting utilities in the development of asset management programs.
 - (2) Serving as a central repository for data concerning infrastructure used to provide drinking water, wastewater, or storm water service in Indiana.
 - (3) Providing training and technical assistance to utilities and Indiana's drinking water, wastewater, and storm water utility industry workforces.
 - Requires the authority to make, not later than July 1, 2023, all:
 - (1) utility asset management programs; and
 - (2) information concerning utility asset lifecycle management costs; submitted to or reviewed by the authority available on an Internet web site maintained by the authority or the program.
 - Requires that in carrying out all information gathering and reporting duties under the bill's provisions, the authority and the program shall use any data the authority or the program acquires in a manner that:
 - (1) protects the confidential information of individual utilities and customers; and
 - (2) is consistent with applicable statutory exclusions from disclosure under the state's public

records act.

- Provides that as a condition for receiving a loan, grant, or other financial assistance after June 30, 2023, through the wastewater revolving loan program, the drinking water revolving loan program, the water infrastructure assistance program, or the water infrastructure grant program, a participant must do the following:
 - (1) Submit the participant's required asset management program to the authority not later than the time of submission of the participant's preliminary engineering report for any project for which the loan, grant, or other financial assistance will be provided. (Current law does not specify when the asset management program must be submitted.)
 - (2) Submit to the authority information on the estimated and actual life cycle management costs over the useful life of the asset financed.
 - (3) In the case of a participant that is not under the jurisdiction of the Indiana utility regulatory commission (IURC), regularly report to all:
 - (A) customers;
 - (B) counties; and
 - (C) municipalities; within the participant's service territory information concerning the participant's asset management program.
- Provides that money in the:
 - (1) supplemental drinking water and wastewater assistance fund;
 - (2) water infrastructure assistance fund; and
 - (3) water infrastructure grant fund; may be used to provide grants, loans, or other financial assistance for the planning, designing, acquisition, construction, renovation, improvement, or expansion of septic relief systems, in accordance with guidelines of the authority.
- Provides that the authority's project prioritization system for awarding assistance from the water infrastructure assistance fund and the water infrastructure grant fund must include as a variable the effect of a project on the environment.
- Provides for the following with respect to a wastewater utility that is not subject to the jurisdiction of the IURC for the approval of rates and charges and that has been issued one or more enforcement orders (orders) relating to environmental or health and human safety issues by the department of environmental management (department) after June 30, 2022:
 - (1) For the first order, the utility is subject to an informal review of its:
 - (A) rates and charges; and
 - (B) asset management program; by the IURC, in accordance with procedures determined by the IURC.
 - (2) For a second order that is issued within two years of the first order, the utility is subject to rate regulation, following two base rate cases, by the IURC for a minimum period of:
 - (A) five years from the IURC's order in the first base rate case; and
 - (B) one year from the IURC's order in the second base rate case.
 - (3) For any order issued during the required rate regulation period, the IURC may, in consultation with the department, initiate a receivership proceeding with respect to the utility.
- Requires the state board of education (state board) to approve, for purposes of the state's career and technical education graduation pathway, a utility career cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries.
- Requires the governor's workforce cabinet, in consultation with the state board, the department of education, and the department of workforce development, to create course sequences for the utility career cluster.

SEA 273, P.L. 61 - FINANCING OF WATER AND WASTEWATER UTILITY ASSETS

Author: Koch (R-Bedford)

Sponsor: Soliday (R-Valparaiso)

- Provides that the IURC may approve periodic tracking mechanisms for water or wastewater utilities to permit such utilities to recover the following:

- (1) Changes in property taxes.
- (2) With respect to customers located within the geographic boundaries of local units of government, incremental costs of operation and maintenance resulting from policies or ordinances that are adopted by those local units and that the IURC determines to be unusual but not necessarily unreasonable.
- Requires the IURC to adopt rules to define what is unreasonable with respect to road cut permits and other specifications or policies established by a local unit that imposes costs on water or wastewater utilities.
- Amends the statute concerning wholesale water sales between small water utilities by increasing from 5,000 to 8,000 the threshold number of customers served by a water utility (as either a purchaser or supplier) for purposes of the statute.
- Amends the statute governing infrastructure improvement charges for water or wastewater utilities as follows:
 - (1) Specifies that an “eligible infrastructure improvement” includes:
 - (A) a project to relocate existing utility plant, including projects to accommodate the construction, reconstruction, or improvement of a highway, street, or road; and
 - (B) a project that does not increase revenues by connecting to new customers, even if the project provides greater available capacity with respect to an eligible utility’s distribution or collection plant.
 - (2) Sets forth distinctions for public utilities, municipally owned utilities, and not-for-profit utilities with respect to:
 - (A) costs that are eligible for recovery under the statute;
 - (B) the factors the IURC may consider in determining the amount of allowable cost recovery; and
 - (C) the resetting of the adjustment amount after a base rate case.
 - (3) Specifies that the limitation restricting total adjustment revenues to 10% of an eligible utility’s most recently approved base revenue level does not apply with respect to property taxes associated with eligible infrastructure improvements.
- Amends provisions in the Indiana Code chapter concerning a utility company’s acquisition of an offered water or wastewater utility, by providing that the rates charged by the acquiring utility company are not considered to increase unreasonably as a result of the acquisition if the net original cost of the acquired assets does not exceed 2% of the acquiring utility company’s net original cost rate base as determined in the acquiring utility’s most recent general rate case, plus any adjustments to the rate base resulting from:
 - (1) an infrastructure improvement charge; or
 - (2) an adjustment rider for service enhancement improvement costs; that have occurred after the rate case.
- Makes a similar change to the Indiana Code section concerning the sale of a municipally owned utility’s nonsurplus utility property.

SEA 278, P.L. 108 - INDIANA GEOLOGICAL AND WATER SURVEY ADVISORY COUNCIL

Author: Zay (R-Huntington)

Sponsor: Manning (R-Denver)

- Establishes, rather than allows the president of Indiana University to appoint, a geological and water survey advisory council (council). Increases the number of members from nine to 11 and specifies who shall serve on the council.
- Requires the state geologist to serve as secretary of the council.
- Provides that the state geologist may cast the deciding vote to break a tie.
- Requires the council to meet quarterly.
- Establishes the center for water within the Indiana geological and water survey (survey) at Indiana University for the purpose of:
 - (1) carrying out the survey’s statutory duties concerning Indiana’s water resources;
 - (2) supporting long term studies of the state’s water resources; and

- (3) upon request, providing resources to state agencies, municipalities, and soil and water conservation groups.
- Establishes the center for energy within the survey for similar purposes with respect to Indiana's natural energy resources.
- Allows the Indiana board of licensure for professional geologists (board) to elect a secretary who is not a member of the board. (Current law requires that the secretary of the board be elected from among the members of the board.)
- Increases the number of times the board is required to meet to at least two times each year.
- Allows a licensed professional geologist to request an informal review not more than 30 days after receiving a complaint. (Current law requires the request for an informal review to be made within 20 days.)
- Provides that if the board compels a licensed professional geologist to respond to a complaint or charges, the notification must be sent by certified mail and the response must be in writing.
- Allows a geologist who is licensed in another state to be licensed in Indiana if the other state's standards are substantially equal to Indiana's requirements.
- Requires a licensed professional geologist to obtain continuing education in the geological sciences as a condition of license renewal.
- Specifies that these continuing education requirements do not apply to a person who is not licensed as a professional geologist under Indiana law.
- Makes technical changes.

SEA 374, P.L 27 - REGIONAL WATER OR SEWER DISTRICT SERVICE AREAS

Author: Messmer (R-Jasper)

Sponsor: Lindauer (R-Jasper)

Aim Comments:

SEA 374, authored by Sen. Mark Messmer (R-Jasper) and Rep. Shane Lindauer (R-Jasper) clarifies that if a regional sewer or water district is serving a customer base and has debt obligations, a municipally owned utility cannot serve those customers after an annexation while the loan remains outstanding. Sen. Messmer authored this language on behalf of a district in his community who was having issues securing a loan due to concerns about changes in their customer base. The bill was amended on second reading to clarify that if customers in the district's territory or not receiving service, another utility can provide the service.

- Provides that the services in those parts of a regional water, sewage, or solid waste district (district) in which they are provided or made available by the district shall not be curtailed or limited by:
 - (1) the inclusion of all or part of the district's territory, by annexation or otherwise, within the boundaries of:
 - (A) any municipality; or
 - (B) the service territory of another provider of the same services; or
 - (2) the granting of any private franchise to provide the same services within all or part of the district's territory; during the term of any loan under which the district is obligated, regardless of whether the loan is made by a public or private lender.
- Provides that the occurrence of any of these events does not require a district to secure any franchise, license, or permit as a condition to continuing to provide service to any part of the district's territory served by the district at the time of the occurrence of the event.

SEA 411, P.L. 90 - COMMERCIAL SOLAR AND WIND ENERGY

Author: Messmer (R-Jasper)

Sponsor: Soliday (R-Valparaiso)

- Establishes default standards concerning the following with respect to wind power projects in

local units that voluntarily adopt the standards:

- (1) Setback requirements.
 - (2) Height restrictions.
 - (3) Shadow flicker limitations.
 - (4) Signal interference.
 - (5) Sound level limitations.
 - (6) Wind turbine light mitigation technology.
 - (7) Required repairs to drainage related infrastructure.
 - (8) Project decommissioning.
- Defines a unit that voluntarily adopts all of the default standards, or standards less restrictive than the default standards, as a “wind energy ready community”.
 - Establishes default standards concerning the following with respect to commercial solar projects in units that voluntarily adopt the standards:
 - (1) Setback requirements.
 - (2) Height restrictions.
 - (3) Ground cover.
 - (4) Fencing.
 - (5) Cables.
 - (6) Glare.
 - (7) Signal interference.
 - (8) Sound level limitations.
 - (9) Required repairs to drainage related infrastructure.
 - (10) Project decommissioning.
 - Defines a unit that voluntarily adopts all of the default standards, or standards less restrictive than the default standards, as a “solar energy ready community”.

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