

FAEGRE BAKER DANIELS

2019 Indiana Legislative Update #1

BOMA Indianapolis



January 21, 2019

The pace of the 2019 legislative session picked up last week as committee meetings began in earnest and long lists of newly filed bills were released on a daily basis.

To date, 1,251 bills have been filed and released to the public. More bills are expected to be released this week. Although the total number will likely be a few hundred bills shy of this century's peak of 1,705 in 2001, the 2019 General Assembly already has outpaced its more recent predecessors in the sheer volume of filed bills.

One potential reason for the uptick in filed legislation might be the heightened urgency to address school security and hate crimes following a school shooting in Noblesville, vandalism at a synagogue in Carmel, and several other incidents that hit Hoosiers close to home. Governor Holcomb has made legislation to address both issues a top priority for the 2019 session. Indiana is also one of 5 states without a specific bias crimes law, which business advocates believe hinders the state's ability to compete in the economic development arena. As of Friday, a total of 25 bills addressing school safety and security had been released, along with 11 bills that allow judges to impose tougher sentences for bias-motivated crimes.

[Indiana Forward](#), a bipartisan advocacy group whose members include major state employers, faith groups, nonprofits, the Indy Chamber, trade groups and universities, supports Gov. Holcomb's call for "inclusive" bias-crime legislation. If enacted, such legislation would allow judges to increase criminal sentences when the crime was motivated by bias toward a victim's characteristics that include race, ethnicity, religion, national origin, sex, disability, gender identity, and sexual orientation.

So far, five bills have been filed that meet the criteria set by Indiana Forward and Gov. Holcomb: [HB 1020](#) (Rep. Tony Cook); [HB 1159](#) (Rep. Greg Porter); [HB 1320](#) (Rep. Justin Moed); [SB 12](#) (Sen. Mike Bohacek); and [SB 75](#) (Sen. Sue Glick). There are some differences among these bills, however. Rep. Cook's bill also extends protections to law enforcement officers and members of the military, while Sen. Bohacek's bill includes the catch-all category of "association with any recognizable group or affiliation." To date, none of these bills have been set for a hearing.

Many House Republicans favor the approach taken by Sen. Greg Steuerwald in [HB 1093](#), which allows the judge to increase the sentence of a person who has been convicted of committing an offense with bias and the intent to harm an individual or group or their property because of the individual or group's real or perceived characteristic, trait, belief, practice, association, or other attribute the court chooses to consider. Advocates are concerned, however, that this broad wording in HB 1093 could be struck down by a court as too vague.

Several Democrats have filed bias crime bills that would require a judge to add three to five years to an offender's sentence if the crime was motivated by bias. These bills are not likely to gain any traction with the Republican supermajorities in the House and Senate.

Following are summaries of bills of potential interest to BOMA that have been introduced to date, broken down into 4 categories: **Tax & Financial Issues, Energy & the Environment, Codes & Standards,** and **Miscellaneous.** If you'd like to see the most recent version of a bill, just click on the link titled "State bill page."

Additional bills will be added to the tracking list throughout the week as they are released by the House and Senate. These bills will be included in next week's legislative update. In the meantime, up-to-date summaries and real-time information about every bill on the tracking list may be found by clicking on this [link](#).

TAX & FINANCIAL ISSUES

HB 1111 STATE PAYMENTS IN LIEU OF PROPERTY TAXES (BARTELS S) Requires the state to make payments in lieu of property taxes (PILOTs) for qualified parcels in counties in which at least 15% of all land in the county is: (1) in the aggregate, owned or leased by the state of Indiana or the federal government; and (2) subject to an exemption from property taxes. Defines "qualified parcel" as a parcel that is: (1) owned or leased by the state of Indiana; (2) subject to an exemption from property taxes; and (3) located in a county to which this act applies. Provides that a county containing qualified parcels is entitled to receive PILOTs from the state. Provides that for purposes of calculating a PILOT, each acre of the qualified parcel is considered to have an assessed value of 1/2 of the statewide agricultural land base rate value. Provides that money received from the PILOTs must be used by the taxing units for one or more of the following purposes: (1) Public safety. (2) Capital improvements. (3) Purchase or lease of equipment. Annually appropriates from the state general fund the amount necessary to pay the required PILOTs.

Current Status: 1/7/2019 - Referred to House Ways and Means

State Bill Page: [HB 1111](#)

HB 1177 TOWNSHIP GOVERNMENT ISSUES (ZIEMKE C) Requires a township to prepare a capital improvement plan for the ensuing three years if the balance in certain capital improvement funds in the preceding year exceeds 150% of the township's annual budget estimate. Prohibits the township from collecting property taxes for certain capital improvement funds in the ensuing year unless the township has adopted a capital improvement plan. Requires the legislative council to assign to the appropriate interim study committee the study of: (1) the level of preparedness of volunteer fire departments; and (2) whether volunteer fire departments have the necessary resources to perform their duties.

Current Status: 1/16/2019 - House Government and Regulatory Reform, (Bill Scheduled for Hearing); **Time & Location:** 3:30 PM, Rm. 156-D

State Bill Page: [HB 1177](#)

HB 1194 TAX CREDITS (LEHMAN M) Establishes the regional development tax credit (credit). Allows a taxpayer to apply to the Indiana economic development corporation (IEDC) for the credit. Provides that a taxpayer is entitled to a credit against state tax liability if: (1) the taxpayer makes a qualified investment for the redevelopment or rehabilitation of real property that is vacant or underused; and (2) the qualified investment is approved by the IEDC. Provides that the amount of the credit is equal to: (1) the qualified investment made by the taxpayer and approved by the IEDC in the agreement; multiplied by (2) the applicable credit percentage determined by the IEDC. Specifies the maximum applicable credit percentages that apply to qualified investments. Prohibits the carryback or refund of any unused credit. Allows a taxpayer to carry forward any unused credit amounts and to assign any part of a credit

to which the taxpayer is entitled. Authorizes the IEDC to negotiate with a taxpayer and include in the credit agreement a return on investment provision requiring the taxpayer to repay all or part of a credit awarded to the taxpayer if one or more conditions specified in the agreement are satisfied. Provides that a taxpayer is not entitled to receive any of the following (with certain exceptions): (1) An industrial recovery tax credit for a qualified investment made after December 31, 2019. (2) A community revitalization enhancement district tax credit for a qualified investment made after December 31, 2019.

Current Status: 1/10/2019 - Coauthored by Representatives Leonard and GiaQuinta

State Bill Page: [HB 1194](#)

HB 1310 STUDY COMMITTEE ON PROPERTY TAXES (SAUNDERS T) Urges the legislative council to assign to the appropriate study committee the task of studying various property tax issues, including payments in lieu of taxes by nonprofit exempt entities.

Current Status: 1/14/2019 - Referred to House Ways and Means

State Bill Page: [HB 1310](#)

SB 7 MARION COUNTY CAPITAL IMPROVEMENT BOARD (MISHLER R) Allows the expansion of the professional sports development area (tax area) in Marion County. Changes the maximum amount of state revenue that may be captured in the tax area after July 1, 2021. Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county supplemental auto rental excise tax through February 28, 2038. Authorizes the city-county council to adopt a resolution that continues imposition of the increase to the county admissions tax through February 28, 2038. Authorizes the city-county council to adopt a resolution that continues the capture of local income taxes attributable to the tax area until December 31, 2040. Allows the treasurer of state to enter into an agreement with the capital improvement board (CIB) in Marion County under which estimated excess revenues may be distributed to the CIB as a loan that must be repaid with interest no later than June 30, 2038.

Current Status: 1/15/2019 - Referred to Senate Appropriations

State Bill Page: [SB 7](#)

SB 83 TAX INCREMENT FINANCING (MELTON E) Allows a redevelopment commission (including the Indianapolis metropolitan development commission) to the use up to 15% of the property tax proceeds allocated to a redevelopment district in a fiscal year for ongoing maintenance and repair of: (1) public ways; and (2) sewers, utility services, off street parking facilities, and levees; that are located in an allocation area and that were funded in whole or in part with tax proceeds allocated to the redevelopment district.

Current Status: 1/22/2019 - Senate Tax and Fiscal Policy, (Bill Scheduled for Hearing); **Time & Location:** 10:00 AM, Rm. 431

State Bill Page: [SB 83](#)

SB 563 ECONOMIC DEVELOPMENT (HOLDMAN T) Among other things:

- Amends the definition of "sales" and adds a definition of "telecommunication services" and "broadcast services" under the state adjusted gross income tax provisions. Amends the provisions for determining when sales, other than sales of tangible personal property, are derived from sources within Indiana for purposes of determining the state adjusted gross income of corporations and nonresident persons. Authorizes the Indiana department of state revenue (department) to adopt rules that apply retroactively to January 1, 2019, to specify where sales, receipts, income, transactions, or costs are attributable.
- Provides that a taxpayer (with certain exceptions) is not entitled to receive an industrial recovery tax credit for a qualified investment made after December 31, 2019.
- Allows a taxpayer to assign all or part of a venture capital investment tax credit, subject to certain limitations.
- Amends the definition of "qualified investment" under the Hoosier business investment tax credit to include the purchase of retooled or refurbished machinery and certain energy

conservation and pollution control equipment.

- Amends the headquarters relocation tax credit to extend the credit to an eligible business that: (1) acquired at least \$4,000,000 in venture capital within either six months prior to or six months after applying for the credit; and (2) commits to: (A) relocating its headquarters to Indiana; or (B) relocating the number of jobs that equal 80% of the business's payroll to Indiana. Provides that the following apply to an eligible business that qualifies for a headquarters relocation tax credit under the new provision: (1) The total amount of credits that may be approved by the IEDC for all of those eligible businesses in a calendar year is subject to an annual cap established by the budget agency. (2) The credit is refundable at the discretion of the IEDC.
- Establishes the redevelopment tax credit (credit). Requires a taxpayer to apply to the IEDC for the credit. Provides that a taxpayer may claim a credit against state tax liability if: (1) the taxpayer makes a qualified investment for the redevelopment or rehabilitation of real property located within a qualified redevelopment site; and (2) the qualified investment is approved by the IEDC. Provides that the amount of the credit is equal to: (1) the qualified investment made by the taxpayer and approved by the IEDC in an agreement; multiplied by (2) the applicable credit percentage determined by the IEDC. Specifies the maximum applicable credit percentages that apply to qualified investments. Allows a taxpayer to carry forward any unused credit amounts for nine taxable years following the unused credit year. Allows a taxpayer to assign all or part of a redevelopment tax credit, subject to certain limitations. Provides that the IEDC shall require a taxpayer to enter into an agreement with the IEDC as a condition of receiving a credit. Authorizes the IEDC to include in an agreement provisions that: (1) require the taxpayer to repay all or part of a credit awarded over a period of years; and (2) limit the maximum amount of the taxpayer's credit that may be claimed during a taxable year. Provides that an agreement must include a repayment provision for the amount of any credit award that exceeds \$5,000,000. Allows a pass through entity to allocate a redevelopment tax credit among its shareholders, partners, beneficiaries, or members of the pass through entity as provided by written agreement. Requires the IEDC to establish measurements for evaluating the performance of the redevelopment tax credit and evaluate the tax credit program on a biennial basis.

Current Status: 1/14/2019 - Referred to Senate Tax and Fiscal Policy

State Bill Page: [SB 563](#)

SB 601 REGIONAL DEVELOPMENT TAX CREDIT (MISHLER R)

- Establishes the regional development tax credit (credit). Allows a taxpayer to apply to the Indiana economic development corporation (IEDC) for the credit. Provides that a taxpayer is entitled to a credit against state tax liability if: (1) the taxpayer makes a qualified investment for the redevelopment or rehabilitation of real property that is vacant or underused; (2) the qualified investment is part of a project that is located within the area of a regional development authority and is included in the regional development authority's regional redevelopment plan; and (3) the qualified investment is approved by the IEDC. Specifies the factors that the IEDC shall consider in evaluating a taxpayer's application for a proposed qualified investment. Provides that the amount of the credit is equal to: (1) the qualified investment made by the taxpayer and approved by the IEDC in an agreement; multiplied by (2) the applicable credit percentage determined by the IEDC. Allows a taxpayer to carry forward any unused credit amounts for nine taxable years following the unused credit year. Provides that the aggregate amount of the credits awarded in a state fiscal year may not exceed \$50,000,000.
- Provides that the aggregate amount of EDGE credit awards in a state fiscal year for projects to create new jobs in Indiana may not exceed \$100,000,000.
- Provides that a taxpayer is not entitled to receive any of the following (with certain exceptions): (1) An industrial recovery tax credit for a qualified investment made after December 31, 2019. (2) A community revitalization enhancement district tax credit for a qualified investment made after December 31, 2019. Makes conforming changes.

Current Status: 1/15/2019 - Referred to Senate Tax and Fiscal Policy

State Bill Page: [SB 601](#)

SB 623 PROPERTY TAX MATTERS (BUCHANAN B)

- Provides that a county assessor or township assessor (if any) may request the department of local government finance (department) to perform a state conducted assessment of a particular commercial building or structure used for retail purposes. Specifies the procedures for the state conducted assessment.
- Requires assessing officials to apply a cost approach to assessments of commercial real property used for retail purposes if the property is occupied by the original owner or by a tenant for which the improvement was built.
- Provides that, when using a sales comparison approach in assessments of a commercial building or structure used for retail purposes, assessing officials may not use second generation property as a comparable sale property for purposes of a sales comparison analysis of a first generation property or in establishing obsolescence.
- Defines "first generation property" as a building or structure designed to be functionally and economically efficient for use for retail purposes by the original tenant, or a similar class of tenants, over a period of time during which the building or structure retains its original utility and desirability.
- Defines "second generation property" as a building or structure whose design for use for retail purposes by the original tenant, or similar class of tenants, is no longer functionally and economically efficient for that use, which no longer retains its original utility and desirability, and may be used only by a tenant other than the original tenant, or similar class of tenants, for which it was designed.
- Provides that a county fiscal body may adopt an ordinance to provide that the county assessor be reimbursed for legal costs (in addition to other specified costs under current law) incurred by the county assessor in defending an appeal that is uncommon and infrequent in the normal course of defending appeals.

Current Status: 1/15/2019 - Coauthored by Senators Becker and Walker

State Bill Page: [SB 623](#)

UTILITIES & THE ENVIRONMENT

HB 1347 MUNICIPALLY OWNED UTILITIES (BURTON W)

- Provides that all rates, charges, and other fees for services rendered by a municipally owned utility to property occupied by someone other than the owner are payable by the person occupying the property if the account or other customer or billing records maintained by the utility for the property indicate that: (1) the property is occupied by someone other than the owner; and (2) the person occupying the property is responsible for paying the rates, charges, and fees. Provides that rates, charges, and fees assessed by a municipally owned utility with respect to property occupied by someone other than the owner do not constitute a lien against the property. Specifies that these provisions do not: (1) prohibit a municipal legislative body from imposing any requirement to: (A) ensure payment by; or (B) the creditworthiness of; the person occupying the property; or (2) abrogate or limit the authority of the owner of a multi-unit building to engage in electrical submetering.
- Establishes a process for establishing a policy review committee (committee) for a municipally owned utility that has properly withdrawn from the jurisdiction of the utility regulatory commission. Provides that a committee may be established if a specified number of the registered voters of the municipality file a petition with the utility's board. Provides that the petition must set forth procedures by which the committee is authorized to do the following: (1) Receive complaints from customers concerning the utility's rules and policies, rates and charges,

and service quality. (2) Attempt to negotiate a resolution with the utility's board with respect to complaints received. (3) Seek mediation to be overseen by the office of the attorney general with respect to complaints that are not resolved through negotiations. Authorizes the attorney general to adopt rules to implement these provisions.

Current Status: 1/14/2019 - Referred to House Utilities, Energy and Telecommunications

State Bill Page: [HB 1347](#)

HB 1395 BROADBAND DEVELOPMENT (NEGELE S)

- Provides that the Indiana utility regulatory commission (IURC) may adopt rules necessary to administer the Indiana universal service fund (IUSF), including rules to: (1) adjust the amount of the surcharge percentage required to be collected by communications service providers and remitted to the IUSF; and (2) establish the types of communications service providers that are required to assess a surcharge for remittance to the IUSF. Provides that the IURC may, to the extent not prohibited by federal law, require a provider of interconnected VoIP service to collect and remit to the IUSF a surcharge on the provider's revenue from intrastate use of the provider's interconnected VoIP service.
- Provides that a communications service provider, including a provider of broadband service through fiber optic cable, has access to public rights-of-way as a public utility for purposes of federal law exempting public utilities from payment of fair market value for use of public rights-of-way acquired with federal mass transportation funds.
- Allows use of the I-Light network for provision of communications service to unserved areas, subject to rules adopted by the office of community and rural affairs to: (1) define unserved areas for purposes of the rules; and (2) establish an application process to receive and evaluate proposals by communications service providers for use of I-Light to provide communications service to unserved areas.
- Provides that a fee owner of a right-of-way or a possessor of an easement: (1) is not entitled to compensation; (2) may not charge a fee of any kind; and (3) may not unreasonably deny authorization; for construction, operation, or maintenance of infrastructure by public and municipally owned utilities, including communications service providers, to the extent that the construction, operation, or maintenance does not interfere with the ordinary and normal use of the right-of-way or easement.
- Provides that the department of transportation, when issuing a permit for excavation or obstruction of a street, highway, or right-of-way: (1) may not require provision of a bond or cash deposit in an amount greater than \$10,000 for each area designated in the permit; and (2) must accept a blanket bond in satisfaction of the bond requirement. Makes a technical correction.

Current Status: 1/16/2019 - added as coauthor Representative Lehman

State Bill Page: [HB 1395](#)

HB 1567 MODIFICATION OF UTILITY FACILITIES (DEVON D) Provides that if a person, including a customer of a utility, requests or requires the modification of one or more utility facilities of a utility, the utility: (1) may not refuse to perform the modification if: (A) the local unit in which the modification will occur supports the request; and (B) the utility's access to the facility will not be diminished or hindered as a result of the modification; and (2) may require the person requesting or requiring the modification to pay the cost of the modification. Sets forth certain requirements and conditions that apply to a utility's determination of the cost of the modification of a utility facility. Requires a utility to include information about requests for modifications of utility facilities, including information on the factors the utility uses in determining the cost of modifications: (1) in the utility's filings with the utility regulatory commission (IURC); and (2) on the utility's Internet web site. Requires the utility to make the information available for public inspection in each of the utility's offices or stations that are open to the public. Provides that upon: (1) the IURC's own motion; or (2) the complaint of a utility, a person requesting or requiring the modification of a utility facility, or certain other qualified complainants; the IURC may investigate the amounts assessed by a utility with respect to the modification of a specific

utility facility, or by the utility generally for modifications of utility facilities. Authorizes the IURC to: (1) hold hearings and issue orders in connection with such an investigation; and (2) adopt rules that the IURC considers necessary to implement these provisions.

Current Status: 1/17/2019 - Referred to House Utilities, Energy and Telecommunications

State Bill Page: [HB 1567](#)

SB 193 SEWER AND WATER CONNECTIONS THROUGH RIGHTS-OF-WAY (BOHACEK M) Provides that a unit may not prohibit a property owner from installing a sewer line or other sewage works: (1) in or through a public right-of-way owned or controlled by the unit; and (2) for the purpose of connecting the owner's property to a sewer system owned or operated by another unit or entity; if the owner provides to the unit a written determination from a specified authority that the owner's existing sewage disposal system is failing, and if certain other conditions are met. Provides that in the case of a connection to a sewer system made under these provisions, a municipality (or a board of sanitary commissioners for the department of sanitation in certain municipalities) that owns or operates the sewer system to which the connection is made may waive the requirement that the property owner must release the property owner's right to remonstrate against pending or future annexations of the property owner's property by the municipality. Provides that a unit may not prohibit a property owner from installing a water service line or other water utility service infrastructure: (1) in or through a public right-of-way owned or controlled by the unit; and (2) for the purpose of connecting the owner's property to a waterworks owned or operated by a water utility other than a water utility owned or operated by the unit; if the property owner's property is served by a private water well, and if certain other conditions are met. Provides that the property owner may not install a sewer line or water line unless (1) the unit or entity that operates the sewer system or waterworks approves the connection to the sewer system or waterworks; and (2) the property owner obtains all permits and approvals that are required for installation of the sewer line or water service line by the state and the unit in which the property is located.

Current Status: 1/17/2019 - Senate Local Government, (Bill Scheduled for Hearing); **Time & Location:** 10:30 AM, Rm. 130

State Bill Page: [SB 193](#)

SB 430 ELIMINATION OF NET METERING PHASE OUT (FORD J) Eliminates provisions under which net metering (an arrangement under which an electric utility's customer who has equipment for the production of electricity and who intermittently supplies electricity from that equipment to the electric utility is credited for the electricity that the customer supplies to the electric utility) would be partially ended by 2032 and completely ended by 2047. Eliminates a limit on the aggregate amount of an electric utility's net metering facility nameplate capacity that can be made available for customers' participation in net metering. Provides instead that the net metering facility nameplate capacity that an electric utility makes available for customers' participation in net metering must be at least 3% of the electric utility's most recent summer peak load. Provides that, of the net metering facility nameplate capacity made available for customers' participation in net metering, 30% must be reserved for participation by residential customers and not more than 5% must be reserved for participation by customers that install net metering facilities that use organic waste biomass.

Current Status: 1/14/2019 - Referred to Senate Utilities

State Bill Page: [SB 430](#)

SB 499 FEED-IN TARIFF FOR RENEWABLE ENERGY FACILITIES (KRUSE D) Requires the utility regulatory commission (IURC) to adopt rules to establish an electric utility feed-in tariff (FIT) program. Provides that the rules adopted must do the following: (1) Require all jurisdictional municipally owned electric utilities (utilities) to offer a FIT to eligible customers (including persons that are not existing customers of the electric utility) not later than July 1, 2020. (2) Require utilities, upon the request of an eligible customer, to enter into a contract, for a term of at least 10 years, for the purchase of electricity generated by a renewable energy facility (facility) located in Indiana at a site at which the utility provides, or will provide, retail electric service to the eligible customer. (3) Allow an electric utility to do the following, subject to the approval of the IURC: (A) Require a minimum size or capacity, not to exceed one megawatt, for facilities participating in the program. (B) Establish a cap with respect to the

maximum aggregate capacity for all participating facilities under the electric utility's FIT program. (C) Establish a maximum size or capacity limit, which may not be less than 20 megawatts, for a participating facility. (4) Establish appropriate standards for interconnections between facilities and utilities' electric systems. (5) Establish appropriate FITs for participating facilities, with separate rates for electricity generated from each type of qualifying renewable energy resource under the program. (6) Require that any renewable energy credit or clean energy credit earned by a utility under the program be retired. (7) Prohibit an electric utility from requiring that a person that otherwise qualifies to participate in the electric utility's FIT program to be a customer of the electric utility for any period of time before enrolling in the electric utility's FIT program. Requires the IURC to ensure that the program complies with certain federal laws, regulations, and orders. Requires the IURC to develop and make available a standard contract for use by utilities in entering into contracts with eligible customers under the program. Requires the IURC to include certain information concerning the program in its annual report to the interim study committee on energy, utilities, and telecommunications.

Current Status: 1/14/2019 - Referred to Senate Utilities

State Bill Page: [SB 499](#)

CODES & STANDARDS

HB 1113 TELECOIL (MILLER D) Requires the fire prevention and building safety commission to adopt rules requiring the installation of audio frequency induction loop systems (AFILs) in Class 1 structures after June 30, 2020. Requires audiologists, individuals who hold a hearing aid dealer certificate of registration, and individuals who fit or dispense hearing aids while under the supervision and direction of an individual who holds a hearing aid dealer certificate of registration to provide information about telecoil and AFILs when fitting and dispensing hearing aids.

Current Status: 1/16/2019 - added as coauthor Representative Shackelford

State Bill Page: [HB 1113](#)

HB 1128 CONSTRUCTION PERMITS (MILLER D) Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving certain permits and certificates for any Class 1 or Class 2 structures, completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat. Requires a local governmental agency to issue certain permits to a person not later than 10 business days after the person has filed a completed application and meets all required conditions, in certain instances.

Current Status: 1/17/2019 - House Local Government, (Bill Scheduled for Hearing); **Time & Location:** 8:30 AM, Rm. 156-B

State Bill Page: [HB 1128](#)

HB 1258 DEPARTMENT OF HOMELAND SECURITY (FRYE R) Provides that the fire prevention and building safety commission will adopt rules for regulated boiler and pressure vessels. (Current law provides that the boiler and pressure vessel rules board adopts rules for regulated boiler and pressure vessels.) Provides that: (1) the division of fire and building safety (division) shall conduct a program to audit inspection agencies and inspections conducted by inspection agencies; and (2) a boiler and pressure vessel inspector shall inspect and issue regulated boiler and pressure vessel operating permits to qualified applicants. (Current law provides that the division shall conduct a program of periodic inspections of regulated boiler and pressure vessels.) Sets forth insurance requirements needed to obtain a regulated boiler or pressure vessel operating permit.

Current Status: 1/10/2019 - Referred to House Veterans Affairs and Public Safety

State Bill Page: [HB 1258](#)

SB 137 BAN ON SALE OR USE OF COAL TAR PAVEMENT PRODUCTS (NIEZGODSKI D) Prohibits the: (1) sale or offer for sale; and (2) application to pavement; of a coal tar pavement product except as required for purposes of research on the effects of the coal tar pavement product on the environment.

Current Status: 1/3/2019 - Referred to Senate Environmental Affairs

State Bill Page: [SB 137](#)

SB 142 BUILDING PERMITS (BOHACEK M) Prohibits a building commissioner, building code official, or inspector for a local unit of government (unit) from issuing a building permit when the building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of the permit. Requires a unit to adopt an ordinance to establish a procedure to address instances where a building commissioner, building code official, or inspector has a direct or indirect financial interest in the issuance of a permit.

Current Status: 1/24/2019 - Senate Local Government, (Bill Scheduled for Hearing); **Time & Location:** 9:00 AM, Rm. 125

Priority: Tier 3 - Low

State Bill Page: [SB 142](#)

SB 387 UNSAFE BUILDING HEARING NOTIFICATIONS (KOCH E) Clarifies the procedure for notice by publication under the unsafe building law.

Current Status: 1/14/2019 - Referred to Senate Local Government

All Bill Status: 1/14/2019 - First Reading
1/14/2019 - Authored By Eric Koch

Priority: Tier 3 - Low

State Bill Page: [SB 387](#)

SB 485 ELEVATOR SAFETY (ALTING R) Provides that in certain instances, an elevator contractor and a person who works under an elevator contractor commit a Class C infraction if a regulated lifting device is operated and no regulated lifting device operating permit covers the operation. Allows the department of homeland security (department) to request certain types of documentation to determine that work conducted on a regulated lifting device was performed by a licensed individual. Requires the fire prevention and building safety commission (commission) to determine equivalent state licensing programs for reciprocity. Allows the commission to adopt national codes outside of a select list if the national code will improve safety and commerce. Requires the commission to adopt national codes within 24 months after the effective date of the national code. Provides that the commission may not adopt an amendment to a national code if the amendment will unreasonably impair safety. Allows the commission to set a fee that is less than the standard fee for certain permits if the acceptance inspection is performed by an inspector that is not employed by the department. Requires the department to enter into a memorandum of understanding with the Indiana professional licensing agency to issue licenses for elevator contractors, elevator mechanics, and elevator inspectors. Removes obsolete sections. Makes conforming changes.

Current Status: 1/14/2019 - Referred to Senate Homeland Security and Transportation

Priority: Tier 3 - Low

State Bill Page: [SB 485](#)

HB 1145 LIVING WAGE (DELANEY E) Replaces all references to the state minimum wage with "living wage". After June 30, 2019, increases the living wage paid to certain employees from \$7.25 per hour to \$15 per hour.

Current Status: 1/7/2019 - Referred to House Employment, Labor and Pensions

All Bill Status: 1/7/2019 - First Reading
1/7/2019 - Authored By Edward DeLaney

State Bill Page: [HB 1145](#)

MISCELLANEOUS

HB 1230 REPEAL OF STATUTES PREEMPTING LOCAL ACTION (CHYUNG C) Repeals statutes that prohibit a unit of local government from doing the following: (1) Mandating employee benefits, scheduling, or leave policy that exceed federal or state requirements. (2) Regulating firearms, ammunition, and firearm accessories. (3) Requiring a landlord to participate in a housing program. (4) Regulating the

manufacture or use of bags, bottles, and other single use containers. (5) Regulating the leasing or sale of real property.

Current Status: 1/10/2019 - Referred to House Government and Regulatory Reform

All Bill Status: 1/10/2019 - First Reading

1/10/2019 - Authored By Chris Chyung

State Bill Page: [HB 1230](#)

HB 1269 BOARDS (GUTWEIN D) Among other things: Repeals the boiler and pressure vessel rules board and regulated amusement device safety board and transfers all duties to the fire prevention and building safety commission. Provides that the department of homeland security may grant variances to rules adopted by the fire prevention and building safety commission, the Indiana emergency medical services commission, and the board of firefighting personnel standards and education. Repeals the counterterrorism and security council and the emergency alert system advisory committee. Establishes the governor's security council.

Current Status: 1/10/2019 - Referred to House Select Committee on Government Reduction

State Bill Page: [HB 1269](#)

HB 1338 BROKER LICENSURE FOR PROPERTY MANAGERS (SPEEDY M) Specifies that a person that, for consideration, manages the common areas and facilities or other property of: (1) a subdivision or neighborhood on behalf of a homeowners association; or (2) a condominium on behalf of an association of co-owners; must obtain and maintain a real estate broker license (license) regardless of whether the person or any of the person's partners, members, or employees is engaged in the actual sale or lease of real estate or units of real estate in the subdivision, neighborhood, or condominium.

Current Status: 1/14/2019 - Referred to House Employment, Labor and Pensions

State Bill Page: [HB 1338](#)

SB 308 PARTITION FENCES (STOOPS M) Provides that a fence that is used by adjoining property owners as a fence is, unless otherwise agreed upon by the property owners, considered a partition fence and must be repaired, maintained, and paid for by the person who builds the fence or causes the fence to be built. Provides that the existing partition fence law applies to partition fences built and maintained before January 1, 2019. Repeals provisions of the fence law concerning: (1) required payment to the owner for an existing fence when previously unenclosed property becomes enclosed; and (2) application and construction of the partition fence law.

Current Status: 1/7/2019 - Referred to Senate Agriculture

State Bill Page: [SB 308](#)

SB 355 MINIMUM WAGE (MRVAN F) Increases the minimum wage paid to certain employees in Indiana as follows: (1) after June 30, 2020, from \$7.25 an hour to \$10 an hour; (2) after June 30, 2021, from \$10 an hour to \$13 an hour; and (3) after June 30, 2022, from \$13 an hour to \$15 an hour. Provides that after June 30, 2023, and each subsequent June 30, the hourly minimum wage increases at the same percentage as any increase in the Consumer Price Index for the preceding calendar year. Makes technical corrections and corresponding changes. Removes outdated language.

Current Status: 1/10/2019 - Referred to Senate Pensions and Labor

State Bill Page: [SB 355](#)

SB 367 ELECTION SIGNS (ZAY A) Provides that the county executive shall require the owner, lessee, manager, or any other individual or entity that controls a nonpublic building used as a polling place to permit a candidate or an individual designated as a candidate's representative to place signs on the property of the nonpublic building on days when voting occurs on the property.

Current Status: 1/10/2019 - Referred to Senate Elections

State Bill Page: [SB 367](#)

SB 476 HOMELESSNESS MATTERS (SANDLIN J)

- Requires the office of the secretary of family and social services to apply for a Medicaid waiver to: (1) operate a pilot program in Indianapolis and another city determined by the office of the secretary to reimburse for the assessment of homeless individuals by a mental health care provider to determine whether the individual is gravely disabled and the emergency holding and appearance in a mental health specialty court; and (2) secure basic health care services and permanent supportive housing to assist in the identification and treatment of chronic homelessness in Indiana. Requires implementation of the pilot program and chronic homelessness waiver not later than 60 days from federal approval of the pilot program.
- Requires, before March 1 of each year, a township trustee to prepare a report of the township's efforts in the previous calendar year to provide temporary emergency shelter. Requires a township trustee to: (1) place the individual temporarily in a county home; or (2) provide temporary township assistance; to an individual who does not have legal residence and is homeless. Requires each township trustee in a county to collaborate and prepare a report of public and private resources available to the homeless population for each township in the county, and for the list to be distributed and posted on the county's Internet web site.
- Changes the panhandling criminal statute to apply if the individual commits panhandling of an individual within 20 feet of a public street, highway, or alley unless the person has approval of the unit of local government.

Current Status: 1/14/2019 - added as second author Senator Merritt

State Bill Page: [SB 476](#)