

HB1001

STATE BUDGET (HUSTON T) Appropriates money for capital expenditures, the operation of the state, K-12 and higher education, the delivery of Medicaid and other services, and various other distributions and purposes. Renames the build Indiana fund the lottery surplus fund. Eliminates all the build Indiana fund accounts. Declares the policy of the state that no person may be denied coverage for a preexisting condition under a plan of health coverage offered or administered by the state. Specifies that the preexisting condition exclusion provisions of the Patient Protection and Affordable Care Act (PPACA) are in effect and enforced in Indiana, regardless of the legal status of the PPACA. Establishes the Indiana-Michigan boundary line commission to administer and oversee a survey and remonumentation of the Indiana-Michigan border. Eliminates the office of state based initiatives. Makes the budget agency responsible for coordinating federal assistance to state agencies. Prohibits certain state agency action regarding federal assistance. Requires state agencies to provide federal assistance information to the budget agency. Requires the budget agency to: (1) prepare an annual report summarizing the federal assistance received by state agencies during the preceding federal fiscal year; (2) publish a comprehensive federal assistance review plan; and (3) perform a review of the current impact and projected future impact of federal mandates and regulations on Indiana. Makes the budget agency the state's single point of contact to review and coordinate proposed federal financial assistance and direct federal development. Adds the two deputy budget directors as alternate members of the budget committee, and specifies that one of the deputy directors shall take the place of the budget director when the budget director is not present. Removes the restriction on the Indiana horse racing commission using money distributed under a distribution agreement for administrative purposes. Requires 0.45% of the adjusted gross receipts from each casino to be deposited in the horse racing commission's operating fund. Establishes the problem gambling program fund. Specifies that the part of the problem gambling fee that is retained annually by the Indiana gaming commission must be deposited into the fund. Provides that the money in the fund is continuously appropriated. Permits the trust fund for self-insurance for employees, including retired employees, for the state police department, conservation officers of the department of natural resources, and the state excise police to invest in the same investments as the state police pension plan instead of the public employees' retirement fund (the trust fund could not invest in equity securities). Permits the retiree health benefit trust fund to invest in the same investments as the public employees' retirement fund instead of in the same manner as public deposits may be invested. Requires a periodic actuarial study of the retiree health benefit trust fund. Provides that employer contributions to the retirement medical benefits account (RMBA) on behalf of a participant must be sufficient to provide the specified benefit. Changes the administration and investment decisions for the RMBA from the budget agency to the Indiana public retirement system (INPRS). Changes responsibility for reports concerning other post-employment benefits (OPEB) from the office of management and budget (OMB) to the INPRS. Changes responsibility for reports concerning local pensions from the OMB to the INPRS. Changes references to Governmental Accounting Standards Board Statements that apply to OPEB reports. Repeals the Indiana technology fund. Provides that a taxpayer may submit, beginning in 2021, a personal property tax return using an online submission system established by the department of local government finance in collaboration with county assessors. Replaces the postwar construction fund with a fund named the state construction fund. Dedicates \$1,800,000 to the state construction fund from a part of the cigarette tax revenue formerly appropriated to the department of natural resources. Repeals the state police building account and directs the revenue formerly deposited in the account to the state construction fund. Establishes requirements to be eligible to claim the Indiana research expense income tax credit effective January 1, 2019. Increases the cap on the scholarship granting organization scholarship tax credit from \$14,000,000 to \$15,000,000 for the state fiscal year beginning July 1, 2019, and to \$16,500,000 for state fiscal years beginning after June 30, 2020. Repeals the income tax credit for property taxes paid by a for-profit acute care hospital. Provides various tax exemptions for the College Football Playoff Group for the College Football Playoff National Championship, including ancillary events. Provides that money in the department of state revenue pilot program fund for functions related to motor carrier services is continuously appropriated. Allocates a percentage of St. Joseph County innkeeper's tax revenue: (1) for the development and operation of an indoor sports complex in the city of Mishawaka; and (2) to finance projects for the Potawatomi Zoo in the city of South Bend. Expires both of these allocations and decreases the innkeeper's tax rate by the percentage allocated for the respective purposes on the later of: (1) July 1, 2024; or (2) a specified date to occur. Removes the reduction from the motor vehicle highway account fund for the appropriation to the department of transportation for traffic safety. Transfers \$325,000 each month to the motor carrier regulation fund from the motor vehicle highway account fund. Requires the bureau of motor vehicles to determine the allocation to counties from the motor vehicle highway account fund that is based on motor vehicle registrations. Provides that proceeds received under the First Amendment to the Amended and Restated Indiana Toll Road Concession and Lease Agreement entered on September 21, 2018, are to be deposited in a new fund known as the toll road lease amendment proceeds fund for certain state highway projects. Appropriates \$239,400,000 from the toll road lease amendment proceeds fund in state fiscal year 2019 to be used for the purposes of the fund. Terminates the appropriation to the state police department of part of the handgun license fees as of July 1, 2019. Transfers any balance remaining in the fund holding these fees to the state general fund on June 30, 2021. Requires the division of disability and rehabilitative services to establish a cost participation schedule for purposes of the first steps program. Repeals the statutory cost participation schedule. Provides that the money in the division of family resources child care fund is continuously appropriated. Removes the requirement that a school corporation distribute to the state general fund 3% of the federal reimbursement for claims paid under the federal

Medicaid program. (Under current law, these funds distributed to the state general fund are dedicated for consulting to encourage school participation in the Medicaid program.) Extends the prohibition on the office of Medicaid policy and planning from including certain Medicaid recipients who receive nursing facility services in a Medicaid risk based managed care program or a capitated managed care program through June 30, 2020. Specifies conditions that apply to a Medicaid disproportionate

Current Status: 4/24/2019 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 657: yeas 67, nays 31; Rules Suspended

State Bill Page: [HB1001](#)

HB1019 PUBLIC CONSTRUCTION (PRESSEL J) Increases, from \$100,000 to \$150,000, the ceiling under which a board of aviation commissioners or an airport authority board may perform certain public construction projects with its own workforce. Increases, from \$75,000 to \$150,000 the ceiling under which a county drainage board may obtain quotes rather than advertise for bids for certain projects under the drainage law.

Current Status: 4/18/2019 - SIGNED BY GOVERNOR

State Bill Page: [HB1019](#)

HB1116 VARIOUS LOCAL GOVERNMENT MATTERS (KARICKHOFF M) Allows the governing body of a state or local government agency to discuss in an executive session strategy regarding a real estate transaction by the governing body. Allows the fiscal officer of a political subdivision to appropriate funds received from any private entity or individual for the purpose of repairing or replacing damaged property. (Current law allows only appropriation of funds from an insurance company.) Eliminates political party affiliation requirements for members of a utility service board or storm water management board. Allows a political subdivision to receive electronic bids for public work projects that exceed a certain amount, if the bid solicitation states the procedure for transmitting the electronic bid and the means of transmission protects the bid contents. Requires a political subdivision that receives electronic bids to provide electronic access to the notice of the bid solicitation through the computer gateway administered by the state office of technology in addition to newspaper publication. Provides that a hazardous tract of land containing a building that is not an unsafe building constitutes an unsafe premises and is subject to the unsafe building law. Specifies the procedure for notice by publication under the unsafe building law. Eliminates the requirement that a negotiable note for a public work project or eligible efficiency project be repaid by a political subdivision on January 1 and July 1 of each year of the note's term. Allows a drainage board to send written invitations for bids for construction work by electronic means. Resolves conflicts with HEA 1019-2019 and HEA 1115-2019.

Current Status: 4/22/2019 - Signed by the Speaker

State Bill Page: [HB1116](#)

HB1128 CONSTRUCTION PERMITS (MILLER D) Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving certain permits for any Class 1 or Class 2 structures, completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat. Provides that a local unit may not require, as a condition precedent to granting, issuing, or approving a certificate of occupancy for any Class 1 or Class 2 structure, the completion of work upon which the performance bond or other surety was obtained prior to recording the secondary plat, unless required under certain state building laws or another law to meet a local unit's basic needs for public health and safety. Requires a local governmental agency to issue certain permits to a person not later than 12 business days after the person has filed a completed application and meets all required conditions, in certain instances.

Current Status: 4/2/2019 - Third reading passed; Roll Call 371: yeas 47, nays 1

State Bill Page: [HB1128](#)

HB1266 SEDIMENT AND EROSION CONTROL IN CONSTRUCTION (MILLER D) Provides that a review authority (an MS4 community or a soil and water conservation district) to which a construction plan is submitted must make a preliminary determination whether the construction plan is substantially complete: (1) before the end of the tenth working day after the day on which the construction plan is submitted in the case of a small construction activity site (one at which construction results in land disturbance of at least one but less than five acres) or very small construction activity site (one at which construction results in land disturbance of less than one acre); or (2) before the end of the fourteenth working day after the day on which the construction plan is submitted in the case of a large construction activity site (one at which construction activities result in land disturbance of at least five acres). Provides that if a review authority to which a construction plan is submitted does not notify the project site owner before the end of the tenth or fourteenth working day (whichever applies) of its preliminary determination whether the construction plan is substantially complete, the project site owner may submit a notice of intent letter and, 48 hours later, may begin the construction project. Provides that an MS4 community may require erosion and sediment control measures at a very small construction activity site but that the control measures may not be more stringent than the control measures required at a small construction activity site by administrative rules or the general permit that will be issued by the department of environmental management (IDEM). Establishes minimum qualifications for an individual who begins employment after July 1, 2019, reviewing and making conclusive determinations concerning construction

plans submitted to an MS4 community. Provides that if an MS4 community has made a conclusive favorable determination concerning a construction plan and work on the construction project has begun, the MS4 community may not order work on the construction project to stop on the grounds that the erosion and sediment control measures are not adequate unless the project site owner is notified in writing of the inadequacies and the inadequacies are not resolved within 72 hours. Provides that the general permit that will be issued by the department of environmental management to establish erosion and sediment control requirements for construction sites, to the extent allowed under federal law, must recognize and be consistent with these provisions.

Current Status: 4/18/2019 - Signed by the Speaker

State Bill Page: [HB1266](#)

HB1270 KANKAKEE RIVER BASIN AND YELLOW RIVER BASIN DEVELOPMENT (GUTWEIN D) Abolishes the Kankakee River basin commission and repeals its statute. Establishes the Kankakee River basin and Yellow River basin development commission (commission) as a public body corporate and politic. Authorizes the commission to participate in the flood control program operated by the Indiana finance authority. Requires certain state agencies to assist each other in simplifying the permitting process with respect to the flood control activities of the commission. Provides that there is imposed in each calendar year beginning after December 31, 2020, an annual special assessment against each taxable parcel of real property that is located within any part of the basin within an Indiana county. Requires the default special assessments to be paid to be paid to the commission. Specifies the amount of the default special assessment by parcel category and the commission's permissible uses of the special assessments. Provides that a county fiscal body may adopt a resolution opting to implement one of the following methods of supporting the commission instead of collecting the default special assessments: (1) Paying direct support to the commission in lieu of the default special assessments. (2) Supplementing reduced special assessments with direct support payments. (3) Imposing special assessments that exceed the amount that could be raised through the default special assessments. Provides that direct support must equal at least 90% of the amount that could be raised through the default special assessments. Specifies the amounts that a county may retain in calendar years beginning after December 31, 2022, from special assessments imposed instead of the default special assessments. Establishes an advisory committee to the commission. Requires the commission to coordinate its flood control activities with other public agencies to ensure that undeveloped public land is used for providing flood storage to the greatest extent feasible before other lands are used. Authorizes an Indiana business preference if certain conditions are met. Establishes an Indiana employment goal with respect to contracts for public works awarded by the commission.

Current Status: 4/22/2019 - Signed by the Speaker

State Bill Page: [HB1270](#)

HB1279 NATURAL RESOURCES MATTERS (WOLKINS D) Provides that a person may reconstruct an earthen berm or levee located in a floodway: (1) if the person obtains a permit from the department of natural resources (DNR); or (2) if the earthen berm or levee is located in a rural area, if it was constructed before January 1, 1973, or after December 31, 1972, pursuant to a construction permit issued by the DNR, and if the plans and specifications for the reconstruction demonstrate to the satisfaction of the DNR that the reconstruction will meet certain requirements. Makes the violation of certain prohibitions or requirements concerning the reconstruction of an earthen berm or levee a Class B infraction. Establishes new requirements concerning freeholders' signatures on a petition to establish a conservancy district, providing: (1) that for a proposed district of not more than 5,000 freeholds, 30% of the freeholders must sign the petition; that for a proposed district of more than 5,000 but not more than 25,000 freeholds, 15%, but not less than 1,000, of the freeholders must sign the petition; and that for a proposed district of more than 25,000 freeholds, 10%, but not less than 3,000, of the freeholders must sign the petition; and (2) that the freeholders signing a petition to establish a conservancy district must own at least 51% of the assessed valuation of the real property located within the boundaries of the proposed conservancy district. Provides that these new requirements do not apply to the establishment of a conservancy district pursuant to a petition filed with a clerk of the circuit court before January 1, 2020.

Current Status: 4/24/2019 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 651: yeas 91, nays 6; Rules Suspended

State Bill Page: [HB1279](#)

HB1427 LOCAL GOVERNMENT MATTERS (LEONARD D) Provides that, if a political subdivision publishes or submits to the department of local government finance's (DLGF) computer gateway a notice that contains an error or omission that inaccurately reflects the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision by an amount that is less than 0.1%, the notice is a valid notice and the DLGF shall correct the error or omission. Provides that the state board of accounts, instead of the budget agency, is to approve audits for regional development authorities and allows for private examiners to perform audits. Excludes political subdivisions that do not have the power to impose property taxes from the requirement to upload a digital copy of certain contracts on the Indiana transparency Internet web site. Specifies the deadlines for county auditors to submit property tax settlement and distribution information to the DLGF. Repeals the electronic digital signature act. Specifies the calculation of the acquisition cost of depreciable personal property acquired in like kind exchange for personal property tax purposes.

Removes the provision in current law that requires the DLGF to be a party to any contract in which a county assessor employs professional appraisers as technical advisers for assessments. Provides that the standard contract to employ professional appraisers is void if: (1) the appraiser is not certified at the time the contract is executed; or (2) the DLGF subsequently revokes the appraiser's certification. Eliminates the permissive written demand to a county resident who is delinquent in the payment of personal property taxes during the period from May 10 to October 31. Changes the time period from at least 21 to 30 days for the county treasurer's notice of the sale of a mobile home. Makes the filing deadlines for property tax deductions applicable to mobile homes and manufactured homes that are not assessed as real property the same as the filing deadlines for property tax deductions applicable to real property. Amends the definition of "owner" (for purposes of the property tax statutes) to delete the provision specifying that an owner of tangible property includes the holder of a tenancy for a term of years. Requires county auditors to submit data on deductions applicable to the current tax year to the homestead property data base on or before March 15 of each year, in a manner prescribed by the DLGF. Specifies that if a penalty is imposed on a taxpayer for failing to declare on the taxpayer's tax return that the taxpayer is entitled to the exemption for business personal property, the county shall include the penalty on a property tax bill associated with the tax district in which the majority value of the taxpayer's business personal property within the county is located. Eliminates (effective retroactive to July 1, 2017) several property tax deduction and credit reapplication requirements that were added by HEA 1450-2017 concerning unmarried taxpayers who married, married taxpayers who divorced, and taxpayers who came to own their property jointly or as tenants in common with another individual. Provides that a person seeking a property tax exemption for property used for a charitable purpose may file an exemption application up to 30 days following the statutory deadline for the exemption application if the person pays a late filing fee. Makes changes to the time frame for the board of tax review to conduct a hearing and issue a determination. Requires that the budget notice that political subdivisions must publish on the DLGF's computer gateway must also include information concerning the percentage change between the current and proposed tax levies of each fund. Specifies that a political subdivision shall file the budget adopted by the political subdivision with the DLGF not later than five business days after the budget is adopted. Authorizes the DLGF to adopt rules for procedures related to local government budgeting. Specifies that the adoption, amendment, or repeal of such a rule by the DLGF may not take effect before March 1 or after July 31 of a particular year. Requires a political subdivision to adopt the needed changes to its budget, tax levy, or rate in a public meeting if the political subdivision's tax levy is increased by the DLGF to an amount that exceeds the amount originally advertised or adopted by the political subdivision. Provides for an extension of time to submit a city's budget in the case of a veto after October 1. Provides that Highland Township in Greene County may increase its maximum township property tax levy for 2020 and thereafter. Provides that Taylor Township in Greene County may increase its maximum township property tax levy and its maximum fire protection and emergency services property tax levy for 2020 and thereafter. Allows Green Township in Hancock County to increase its maximum levy for the township's general fund to offset the reduction in the maximum levy that occurred beginning in 2003 that was based on the township's actual levy (levy banked amount). Requires the DLGF to increase the North Harrison fire protection territory provider unit's maximum permissible ad valorem property tax levy for purposes of IC 36-8-19 for property taxes due and payable in 2020 if a petition requesting an increase is filed. Provides that a civil taxing unit may not request permission to impose a property tax on account of revenue shortfalls, if the revenue shortfall preceded the most recent certified budget for the civil taxing unit by more than five years. Requires a statement in the county treasurer's notice of intention to sell mobile homes that the county treasurer will apply for a court judgment against the mobile homes for an amount that is set by the county executive and that includes collection expenses. Provides that whenever no bid is received on a mobile home, the taxpayer who is delinquent in the payment of taxes causing the tax sale maintains ownership of the mobile home and liability for the delinquent taxes. Repeals the statute providing for a county board of tax adjustment. Repeals provisions related to the county board of tax adjustment and the local budgeting process. Specifies that: (1) rules adopted by the DLGF for the appraisal of real property may not apply to any appraisal contemporaneously being conducted under a county's reassessment plan; and (2) rules adopted by the DLGF may first apply to the reassessment phase beginning in the following calendar year under a county's reassessment plan. Requires a county that enters into a contract for computer software and with a software provider to upload the contract to the Indiana transparency Internet web site. Specifies that for purposes of attributing the amount of a property tax deduction or exemption to the gross assessed value of a property: (1) a deduction or exemption that is specific to an improvement shall be applied only to the assessed value allocation pertaining to that improvement; and (2) to the extent that a deduction or exemption is not specific to an improvement, the deduction or exemption shall be applied in the order that will maximize the benefit of the deduction or exemption to the taxpayer. Provides that the county executive (instead of the DLGF) may cancel any property taxes assessed against real property owned by a county, township, city, town, or body corporate and politic under certain circumstances. Removes local income tax economic development

Current Status: 4/24/2019 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 656: yeas 91, nays 6; Rules Suspended

State Bill Page: [HB1427](#)

SB4 WATER AND WASTEWATER UTILITIES AND RUNOFF (CHARBONNEAU E) Establishes a storm water management task force to study issues related to storm water management systems. Provides for the task force to consist of: (1) two members of the senate; (2) two members of the house; and (3) other members appointed by the governor.

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

Current Status: 4/10/2019 - SIGNED BY GOVERNOR

State Bill Page: [SB4](#)

SB604

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

Current Status: 4/23/2019 - Conference Committee Report Adopted (H) Report 1: adopted by the House; Roll Call 614: yeas 93, nays 0; Rules Suspended

State Bill Page: [SB604](#)