



Legislative Report

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- HB1015 UNLAWFUL INDEMNITY AGREEMENTS (TORR J) Provides that the law concerning indemnity agreements in construction or design contracts applies to certain design-build contracts. Specifies that "sole negligence" for purposes of liability under a construction or design contract does not include: (1) vicarious liability; (2) imputed negligence; or (3) assumption of a nondelegable duty. Urges the legislative council to assign to the appropriate study committee the issue of whether a provision in a professional services contract that requires indemnification or defense of a promisee for certain liability is against public policy.
- Current Status:* 3/5/2018 - House Bills on Third Reading
Recent Status: 3/1/2018 - Second reading ordered engrossed
3/1/2018 - House Bills on Second Reading
- State Bill Page:* [HB1015](#)
- HB1036 UNEMPLOYMENT INSURANCE (LEONARD D) Excludes worker's compensation and occupational diseases compensation payments from the definition of "wages" for unemployment insurance purposes. Establishes a flat fee of \$12 as the employer's collection fee for withholding amounts from an individual's income to repay unemployment insurance benefit overpayments. Allows an individual to request a review by the commissioner of the department of workforce development or the commissioner's designee of an adverse decision following an administrative hearing in which the individual contests the income withholding.
- Current Status:* 2/20/2018 - added as cosponsor Senator Randolph
Recent Status: 2/20/2018 - Third reading passed;
2/20/2018 - House Bills on Third Reading
- State Bill Page:* [HB1036](#)
- HB1089 ST. JOSEPH RIVER BASIN COMMISSION (OBER D) St. Joseph River basin commission. Amends the law concerning the St. Joseph River basin commission (commission). Removes an individual appointed by the governor who is a member of a soil and water conservation district from the list of individuals who serve on the commission. Authorizes the county executive from each participating county to appoint either of the following as members to the commission: (1) From each participating county, the county surveyor or the county surveyor's designee. (2) Subject to certain conditions, the executive director or chairman of a soil and water conservation district. Authorizes a political subdivision in a participating county to enter into a cooperative agreement with the commission and at least one other legal entity to authorize the commission to develop a plan to improve water quality and mitigate flooding. Authorizes the commission: (1) to enter into contracts to implement a cooperative agreement; (2) to adopt rules under which the commission may require that increased water runoff resulting from new construction be impounded on the construction site; (3) to acquire and dispose of conservation easements and real or personal property; and (4) to adopt rules restricting construction within the 100 year flood plains of the basin. Requires the commission to schedule a public meeting in each participating county regarding a plan to improve water quality and mitigate flooding. Specifies that the commission must include certain information with respect to the content of the notice of the public meeting. Authorizes the commission to employ staff. Provides that the commission, the commission's executive board, or employees or authorized representatives of the commission may enter land within the 100 year flood plain of any watercourse in the basin to investigate suspected violations of the flood control laws. Requires written notice to an owner of the affected land 21 days before an entry on the land and requires the commission to hold a hearing on the necessity of the entry if an owner of the affected land appeals to the commission.
- Current Status:* 3/1/2018 - House dissented from Senate Amendments
Recent Status: 2/28/2018 - Motion to dissent filed
2/27/2018 - added as cosponsor Senator Niezgodski
- State Bill Page:* [HB1089](#)
- HB1212 USE OF PURPLE MARKS TO DENY ENTRY TO PROPERTY (BARTELS S) Authorizes the use of purple marks to post

real property against trespassers.

Current Status: 2/26/2018 - DO PASS Yeas: 4; Nays: 1

Recent Status: 2/26/2018 - Pursuant to Senate Rule 68(b); reassigned to Committee on Rules and Legislative Procedure
2/26/2018 - Committee Report do pass, adopted

State Bill Page: [HB1212](#)

SB125

REGISTRATION OF UNDERGROUND UTILITY EXCAVATION CONTRACTORS (MERRITT J) Provides that a contractor that will perform one or more excavations or demolitions in Indiana under a contract with: (1) a communications service provider; or (2) a utility; must include in an entity filing filed with the secretary of state a statement that the contractor and its employees will comply with Indiana's 811 statute. Provides that a contractor that is a filing entity under the Uniform Business Organizations Code (Code) shall provide documentation of the contractor's compliance with the registration requirement to a communications service provider or a utility before entering into a contract with the communications service provider or the utility to perform excavations or demolitions in Indiana. Authorizes the utility regulatory commission (IURC) or its pipeline safety division to refer to the attorney general contractors that: (1) violate Indiana's 811 statute; and (2) are foreign entities not registered to do business in Indiana. Authorizes the attorney general to collect penalties of not more than \$10,000 for the registration violation, as provided for in the Code. Provides that at the request of the IURC or its pipeline safety division, and not more than once per year, unless for purposes of an investigation under Indiana's 811 statute, a communications service provider or utility shall provide a list of its contractors operating in Indiana. (The introduced version of this bill was prepared by the interim study committee on energy, utilities, and telecommunications.)

Current Status: 3/5/2018 - Senate Bills on Third Reading

Recent Status: 3/1/2018 - Senate Bills on Third Reading
2/28/2018 - Second reading ordered engrossed

State Bill Page: [SB125](#)

SB197

VARIOUS PROPERTY ISSUES (DORIOT B) Amends the statute concerning the Indiana coordinate system for describing real property to provide that coordinates based on specified coordinate systems and used to define the position of a point on a land boundary may not be presented to be recorded unless the recording document also contains: (1) the method used to relate the coordinates to the National Spatial Reference System; and (2) the name and zone of the coordinate system. Eliminates other reporting and certification requirements with respect to such recordings. Provides that if any coordinates (not specifically coordinates based on the Indiana coordinate system, as provided in current law) are used to describe a tract of land that is also described by a reference to the United States public land surveys: (1) the description by coordinates shall be construed as supplemental; and (2) in the event of a conflict, the description by reference to the United States public land surveys prevails over the description by coordinates. Provides that the statute does not require a purchaser or mortgagee of real estate to rely on a description, any part of which depends exclusively upon the Indiana coordinate system, unless the same description was previously used in a document conveying title to the real estate. Amends the statute concerning the statute of limitations for actions for the recovery of the possession of real estate to provide that such an action that: (1) involves a line located and established by a professional surveyor; and (2) accrues before the lines are located and established by the surveyor; must be commenced before the expiration of the appeal period set forth in the statute governing county surveyors. Amends the Indiana Code provision concerning the establishment of property lines by means of a legal survey to: (1) eliminate the exception to the required notice when all adjoining landowners consent in writing; and (2) specify that the lines established are binding on all affected landowners. Defines "original survey". Defines "retracement survey". Provides that, other than for descriptions of lots in new subdivisions, any new or modified real property description prepared by a professional surveyor as a product of an original survey or a retracement survey must include a caption that identifies: (1) the name and registration number of the professional surveyor preparing the description; and (2) the plat of survey produced as part of the original survey or retracement survey, including certain specified information. Repeals the section in the statute concerning the Indiana coordinate system that provides that the statute does not require a purchaser or mortgagee of real estate to rely on a description, any part of which depends exclusively upon the Indiana coordinate system. Makes conforming changes.

Current Status: 3/1/2018 - Third reading passed; Roll Call 280: yeas 94, nays 0

Recent Status: 3/1/2018 - Senate Bills on Third Reading
2/28/2018 - Second reading ordered engrossed

State Bill Page: [SB197](#)

SB399

PROFESSIONS AND OCCUPATIONS (HOLDMAN T) Provides that the small business ombudsman (ombudsman) shall review a proposed rule that is an occupational regulation and imposes requirements or costs on persons subject to the occupational regulation. Requires the attorney general to disapprove a proposed rule if it violates federal antitrust laws. Requires that an agency file a statement concerning the economic impact of the proposed occupational regulation on persons who are subject to the occupational regulation. Requires the ombudsman to approve or deny the occupational regulation after determining if the least restrictive regulation is used. Requires a regulatory flexibility

analysis that considers any less intrusive or less costly alternative methods of achieving the purpose of the proposed occupational regulation, including the establishment of the least restrictive regulation that is necessary to regulate the occupation or protect consumers. Establishes guidelines to analyze an occupational regulation to determine if it is the least restrictive regulation. Makes conforming changes to include regulated occupations in the laws that affect adoption of rules that affect small businesses. Provides that an occupational regulation and that is adopted by an agency during: (1) an odd-numbered year may not become effective until March 15 during the subsequent year; and (1) an even-numbered year may not become effective until May 1 during the subsequent year. Allows an individual who has a criminal record to submit a petition to the board that issues a license, certificate, or permit that an individual is required by law to hold to engage in a business, profession, or occupation to determine if the individual's criminal record will disqualify the individual from obtaining a license, certificate, or permit. Establishes criteria and procedures to determine if an individual's criminal record disqualifies the individual from obtaining a license, certificate, or permit. Allows the board of cosmetology and barber examiners to approve the request of a beauty culture school to add an addition to the facility without having to obtain a separate license.

Current Status: 3/5/2018 - Senate Bills on Third Reading

Recent Status: 3/1/2018 - Second reading amended, ordered engrossed
3/1/2018 - Amendment #3 (Austin) prevailed; voice vote

State Bill Page: [SB399](#)

SB419

PROFESSIONAL AND OCCUPATIONAL LICENSES (DORIOT B) Provides that a unit does not have the power to license, register, or certify a person to practice the person's profession or occupation within the unit if the occupation or profession is subject to licensure, registration, or certification under the Indiana Code. Provides that this prohibition does not apply to: (1) registration for particular projects for the alteration, construction, demolition, or repair of a building or other work on real property required under an ordinance or rule adopted under local government law; (2) the ability to revoke, suspend, or impose additional conditions on a permit or registration previously given if the person holding the permit or registered has performed substandard work or has otherwise violated any condition of the permit or registration; or (3) when the unit determines the establishment and enforcement of health and safety standards for the occupation or profession is appropriate and necessary to protect the public. Provides that an agency or political subdivision may require verification of an applicant's eligibility for state or local or federal public benefits provided by the agency or the political subdivision, by requiring the applicant to verify under penalty of perjury that the person is otherwise authorized by the federal government to reside and work in the United States.

Current Status: 3/5/2018 - Senate Bills on Third Reading

Recent Status: 3/1/2018 - added as cosponsor Representative Cherry
3/1/2018 - Rule 105.1 suspended

State Bill Page: [SB419](#)