



### Legislative Report

Prepared by: Matthew Whetstone  
Phone: 3175012790  
E-mail: legislativeupdate@1816inc.com  
Report created on February 16, 2018

- 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 a provision in a professional services contract that requires indemnification and defense of a promisee for certain liability is void. 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.  
*Current Status:* 2/1/2018 - Referred to Senate Civil Law  
*Recent Status:* 2/1/2018 - First Reading  
1/30/2018 - Referred to Senate  
*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:* 2/15/2018 - Committee Report amend do pass, adopted  
*Recent Status:* 2/14/2018 - DO PASS AMEND Yeas: 7; Nays: 0  
2/14/2018 - Senate Pensions and Labor, (Bill Scheduled for Hearing); Time & Location: 10:00 AM, Rm. 233  
*State Bill Page:* [HB1036](#)
- HB1089 ST. JOSEPH RIVER BASIN COMMISSION (OBER D) Amends the law concerning the St. Joseph River basin commission (commission). 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 control 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. 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:* 2/19/2018 - Senate Natural Resources, (Bill Scheduled for Hearing); Time & Location: 10:00 AM, Rm. 125  
*Recent Status:* 2/7/2018 - Referred to Senate Natural Resources  
2/7/2018 - First Reading  
*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:* 2/6/2018 - Referred to Senate Civil Law  
*Recent Status:* 2/6/2018 - First Reading  
2/1/2018 - added as coauthor Representative Lawson  
*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:* 2/12/2018 - Referred to House Utilities, Energy and Telecommunications

*Recent Status:* 2/12/2018 - First Reading

2/7/2018 - Referred to House

*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, including a landowner who claims title under a claim of adverse possession. 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:* 2/6/2018 - Referred to House Judiciary

*Recent Status:* 2/6/2018 - First Reading

1/23/2018 - added as second author Senator Walker

*State Bill Page:* [SB197](#)

SB399 OCCUPATIONAL REGULATION OVERSIGHT AND REVIEW (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 a statement must be filed concerning the economic impact of the proposed occupational regulation on persons who are subject to the occupational regulation. 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 occupation 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. 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.

*Current Status:* 2/20/2018 - House Employment, Labor and Pensions, (Bill Scheduled for Hearing);  
Time & Location: 8:30 AM, Rm. 156-A

*Recent Status:* 2/12/2018 - Referred to House Employment, Labor and Pensions  
2/12/2018 - First Reading

*State Bill Page:* [SB399](#)

SB419

ORDINANCES AFFECTING PROFESSIONAL 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; or (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.

*Current Status:* 2/15/2018 - removed as cosponsor Representative Ober

*Recent Status:* 2/12/2018 - Referred to House Government and Regulatory Reform  
2/12/2018 - First Reading

*State Bill Page:* [SB419](#)