



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 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: 1/29/2018 - House Bills on Third Reading
Recent Status: 1/25/2018 - Second reading ordered engrossed
1/25/2018 - 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: 1/23/2018 - Referred to Senate
Recent Status: 1/22/2018 - Senate sponsors: Senators Boots and Buck
1/22/2018 - Third reading passed; Roll Call 26: yeas 94, nays 0
State Bill Page: [HB1036](#)
- HB1048 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. Specifies the factors that the IEDC shall consider in evaluating applications for a proposed qualified investment. Specifies that the credit is subject to an agreement entered into by the IEDC and the taxpayer. 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, 2018. (2) A community revitalization enhancement district tax credit for a qualified investment made after December 31, 2018.
Current Status: 1/25/2018 - House Ways and Means, (Bill Scheduled for Hearing); Time & Location: 1:30 PM, Rm. 404
Recent Status: 1/18/2018 - added as coauthors Representatives Sullivan, Slager, Goodin
1/3/2018 - Referred to House Ways and Means
State Bill Page: [HB1048](#)
- HB1089 ST. JOSEPH RIVER BASIN COMMISSION (OBER D) St. Joseph River basin commission. Amends the law concerning the St. Joseph River basin commission (commission). Adds the county surveyor of each participating county to the membership of the 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 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. 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: 1/29/2018 - House Natural Resources, (Bill Scheduled for Hearing); Time & Location: 10:30 AM, Rm. 156-A

Recent Status: 1/3/2018 - Referred to House Natural Resources
1/3/2018 - First Reading

State Bill Page: [HB1089](#)

HB1134

DRUG ADDICTION WORKFORCE RECOVERY PROGRAM (DAVISSON S) Requires the division of mental health and addiction (division) to establish a drug addiction workforce recovery program (program). Provides that the program is to assist employers who have recently hired or offered to hire individuals who are qualified for employment with the employer and have failed an initial drug screening, to employ the individual if the individual agrees to participate in a drug education and addiction treatment program as a condition of employment. Establishes requirements for the program. Provides that the division may allow an employer to deduct from the employee's wages to pay for a part of the employee's drug education and addiction treatment services if the employee has assigned the wages. Requires that the department of workforce development and the state department of health shall assist the division in administering the program. Provides that if an employer and employee comply with the program, the employer is not liable in a civil action alleging negligent hiring for negligence of the employee. Provides that in certain civil actions an employer's participation in the program is not admissible as evidence. Allows the department of workforce development to develop an incentive program for employers who participate in the program.

Current Status: 1/23/2018 - Referred to the Committee on Ways and Means pursuant to House Rule 127

Recent Status: 1/23/2018 - Committee Report amend do pass, adopted
1/23/2018 - DO PASS AMEND Yeas: 11; Nays: 0

State Bill Page: [HB1134](#)

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: 1/29/2018 - House Judiciary, (Bill Scheduled for Hearing); Time & Location: 10:30 AM, Rm. 156-D

Recent Status: 1/11/2018 - Referred to House Judiciary
1/11/2018 - First Reading

State Bill Page: [HB1212](#)

SB113

PAID EMPLOYEE LEAVE (RANDOLPH L) Urges the legislative council to assign to an appropriate interim study committee during the 2018 legislative interim the task of studying paid personal leave from employment.

Current Status: 1/8/2018 - added as coauthor Senator Ford

Recent Status: 1/3/2018 - Referred to Senate Pensions and Labor
1/3/2018 - First Reading

State Bill Page: [SB113](#)

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

Recent Status: 1/23/2018 - Cosponsors: Representatives Morris and Friend
1/23/2018 - House sponsor: Representative Ober

State Bill Page: [SB197](#)

SB263

SNOW REMOVAL SERVICES CONTRACTS (CRIDER M) Provides that any provision in certain contracts for snow removal services that purports to release: (1) a person that performs snow removal services; or (2) a person that contracts for snow removal services; from liability for negligence, recklessness, or intentional acts is void as against public policy.

Current Status: 1/3/2018 - Referred to Senate Civil Law

Recent Status: 1/3/2018 - First Reading
1/3/2018 - Authored By Michael Crider

State Bill Page: [SB263](#)

SB309

FAMILY LEAVE INSURANCE PROGRAM (TALLIAN K) Requires the department of insurance to establish, not later than January 1, 2019, a family leave insurance program (program) for the purpose of providing benefits to employees who elect to participate in the program. Requires that: (1) the program be voluntary for both employers and employees; (2) both employers and employees make contributions to the program to fund benefits; (3) employee contributions be made by payroll deduction; (4) the benefit eligibility requirements established for the program include, at a minimum, the requirements that qualify an employee for leave under the federal Family and Medical Leave Act; and (5) an employee have the option to select whether the employee's benefit is equal to 100%, 75%, or 50 % of the employee's salary and the number of weeks that a benefit will be paid. Requires the department of insurance to develop the program with the assistance of and in coordination with the department of labor. Requires the department of insurance, not later than November 1, 2018, to submit a report to the legislative council and the budget committee concerning the proposed program. Establishes the family leave insurance program trust fund (trust fund) for the purpose of paying program benefits. Transfers and appropriates the balance in the political subdivision risk management fund to the trust fund.

Current Status: 1/4/2018 - Referred to Senate Insurance and Financial Institutions

Recent Status: 1/4/2018 - First Reading
1/4/2018 - Authored By Karen Tallian

State Bill Page: [SB309](#)

SB409

REGULATED DRAINS AND ENVIRONMENTAL CONCERNS (CHARBONNEAU E) Authorizes a county surveyor to classify a regulated drain as a drain in need of reconstruction if: (1) the functionality of the drain is compromised; and (2) the drain could, at a reasonable cost, be reconstructed to perform the function for which it was designed while also better serving the interests of public health or significantly reducing undesirable environmental effects, or while also providing flood reduction benefits. Authorizes a county surveyor to classify a regulated drain as a drain in need of periodic maintenance if the drain can be made: (1) to perform the function for which it was designed and constructed; (2) to properly drain affected land; and (3) to better serve the interest of public health, produce fewer undesirable environmental effects, or provide flood reduction benefits; through periodically cleaning, spraying, removing obstructions from, and making minor repairs, additions, or alterations to the regulated drain. Provides that the maintenance fund established for a regulated drain or combination of regulated drains may be used to: (1) better serve the interests of public health; (2) reduce undesirable environmental effects; (3) provide flood reduction benefits; (4) improve drainage control; or (5) provide drainage water storage infrastructure or technology associated with water that flows in or into a particular regulated drain or combination of regulated drains. Authorizes a county surveyor, when determining the best method of reconstructing a regulated drain or the best method of drainage for the area to which a petition to establish a new regulated drain relates, to consider cost effective drainage designs that limit undesirable environmental effects, improve public health, or provide flood reduction benefits.

Current Status: 1/10/2018 - Referred to Senate Environmental Affairs

Recent Status: 1/10/2018 - First Reading

State Bill Page: [SB409](#)

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) a license, registration, certification, or permit required under an ordinance or rule adopted under a unit's planning and development powers; or (2) a permit or another approval for the alteration, construction, demolition, or repair of a building, or work on real property required under an ordinance or rule that the unit otherwise has the power to adopt.

Current Status: 1/25/2018 - Senate Commerce and Technology, (Bill Scheduled for Hearing); Time & Location: 9:00 AM, Rm. 125

Recent Status: 1/10/2018 - Referred to Senate Commerce and Technology
1/10/2018 - First Reading

State Bill Page: [SB419](#)