
MEMORANDUM

TO: Members of BOMA
DATE: February 1, 2012
RE: 2012 Indiana General Assembly

Action occurred during the last week on fourteen (14) of the thirty-two (32) bills that we are following. In addition to the action taken last week, three (3) other bills previously had received action, so more than half of the bills we noted still are alive in this fast paced short session of the General Assembly.

Bills that received action last week include Senator Kenley's well publicized bill to restrict the authority of redevelopment commissions and the two bills introduced to revise the licensing requirement for real estate brokers that have received attention from a number of groups. The real estate licensing bills generally would consolidate the five existing classes of realtor, sales person, broker, broker-sales person, principal broker and managing broker into the two classes of principal broker and managing broker. The consolidation would occur over the two (2) year period ending July 1, 2014. To become a managing broker a person would need to hold a broker's license for at least two (2) years and have taken at least twenty-four (24) hours of broker management courses. Sales persons that want to step up to become brokers would need to satisfy new education requirements and annual continuing education requirements. The management and leasing provisions of the existing licensing statute would not change.

Bills that failed to receive a hearing include a bill that would have made it more difficult to sub-divide a tract and a bill that would have required the use of the taxpayer's appraisal in a property tax appeal.

The bills being monitored that continue to be alive are as follows:

SB 25 Redevelopment commissions and authorities. Provides that a redevelopment commission may not enter into any obligation payable from public funds without first obtaining the approval of the legislative or fiscal body of the unit and imposes other limits on commission's authority. Authors: Senators Kenley, Boots, Walker and Breaux; House Sponsor: Rep. Cherry

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/19/12	01/26/12			

SB 105 **Redevelopment commission members. Provides that after December 31, 2012, in counties other than Marion County, at least one of the members appointed to a redevelopment commission by the municipal executive or county executive must also be a voting rather than non-voting member of the school board of a school corporation within the territory served by the redevelopment commission.** Authors: Senators Boots, Landske, Walker and Lanane; **House Sponsor: Rep. T. Brown**
 01/04/12: Referred to Committee on Local Government

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/19/12	01/24/12			

SB 130 **Environmental matters. Consolidates soil, water and solid waste boards.**
 Authors: Senators Gard, Charbonneau and Tallian; **House Sponsor: Rep, Wolkins**
 01/04/12: Referred to Committee on Energy and Environmental Affairs
 01/17/12: Committee Report, amend do pass, adopted
 01/19/12: Amendment 1 (Gard), prevailed
01/24/12: Per Senate Rule 35(c), technical corrections

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/19/12	01/23/12			

SB 131 **Environmental matters. Provides, among other things that the definition of "environmental defect", for purposes of the responsible property transfer law: (1) a commission, omission, activity, or condition for which a restrictive covenant is required or in effect under state environmental law; and (2) a condition that is the subject of a voluntary remediation that received a certificate of completion from the department of environmental management (department) if a restrictive covenant remains in effect for the condition. Defines "program year" as a calendar year for certain electronic waste programs.** Authors: Senators Gard, Charbonneau and Tallian
 01/04/12: Referred to Committee on Energy and Environmental Affairs

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/23/12				

SB 133 **Underground storage tanks. Allows the solid waste management board to adopt rules and establish requirements for underground storage tanks in conformance with the delivery prohibition program under 42 U.S.C. 6991k.** Authors: Senators Gard, Charbonneau and Breaux.

01/04/12: Referred to Committee on Energy and Environmental Affairs

01/09/12: Committee report: amend, do pass, adopted

01/17/12: Amendment 1 (Gard): prevailed

01/19/12: Referred to House; Rep. Wolkins, House Sponsor

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/17/12	01/19/12			

SB 142 **Property tax issues. Provides that if a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial assessment of the taxpayer's property, the taxpayer may submit the necessary information to the assessor before the March 1 assessment date. Specifies among other things that in the case of an assessment that is decreased by the Indiana board of tax review or the Indiana tax court, the taxpayer is not entitled to interest on the excess taxes paid by the taxpayer unless the taxpayer affirms, under penalty of perjury, that substantive evidence had been presented to the assessor or introduced by the taxpayer at a hearing before the county property tax assessment board of appeals.** Authors: Senators Kenley and Hershman

01/04/12: Referred to Committee on Appropriations

01/24/12: Amendment 1 (Kenley) prevailed

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/19/12				

SB 165 **County options for delinquent property taxes. Provides that the fiscal body of a county may adopt an ordinance authorizing the county treasurer to accept a minimum bid on real property subject to sale for delinquent taxes equal to the lesser of: (1) the delinquent taxes, penalties, and other related costs; or (2) 75% of the gross assessed value of the real property.** Authors: Senators Kenley, Randolph, Tallian, Charbonneau and Rogers

01/04/12: Referred to Committee on Appropriations

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/26/12				

SB 168 Environmental Matters. Authorizes a lien for unpaid tank fees. Authors: Gard, Randolph, Buck, Bray, Charbonneau, Eckerty, Holdman, Schneider, Tallian and Breaux
 01/04/12: Referred to Committee on Energy and Environmental Affairs

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/23/12				

SB 210 Property Taxes. Eliminates ability of Solid Waste Management District to impose property taxes. Author: Senator Gard
 01/04/12: Referred to Committee on Appropriations

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/26/12				

SB 275 Real estate brokers. Eliminates the license for real estate salesperson and the certification for principal real estate brokers. Author: Senator Merritt, Jr.
 01/04/12: Referred to Committee on Public Policy

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/26/12				

SB 311 Environmental Matters. Request Office of Management and Budget to do a cost-benefit analysis of environmental matters. Authors: Gard, Hershman, Schneider, Buck, Randolph and Tomes
 01/05/12: Referred to Committee on Energy and Environmental Affairs

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/17/12				

SB 344 State taxation. Repeals the prohibition against using the value of federal income tax credits awarded under Section 42 of the Internal Revenue Code for purposes of determining the assessed value of low income housing tax credit property. Permits the fiscal body to annually appropriate money for the grant program from the property tax increment resulting from any additional property taxes collected as a result of repealing the prohibition against using the value of federal income tax credits in determining the assessed value of low income housing tax credit property. Author: Senators Hershman and Mishler

01/09/12: Referred to Committee on Tax and Fiscal Policy

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/26/12				

HB 1090 Payment plan to remove property from tax sale. Allows the county auditor to remove real property from a tax sale if the county treasurer and the taxpayer agree to a mutually satisfactory arrangement for the payment of the delinquent taxes. Authors: Reps. Friend, Culver, C. Reardon and Soliday; Senate Sponsor: Senator Head

01/09/12: Referred to Committee on Ways and Means

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/23/12	01/27/12			

HB 1102 Real estate brokers. Provides for the licensure of real estate brokers and managing real estate brokers. Eliminates the license for real estate salesperson and the certification for principal real estate brokers. Provides that licenses issued under this article are issued for three years. (Currently licenses are issued for two years.) Revises continuing education requirements. Makes conforming changes. Authors: Reps. Davis, Burton, Clere and Kersey

01/09/12: Referred to Committee on Employment, Labor and Pensions

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/23/12				

HB 1111 Historic preservation tax credit. Addresses a number of historic tax credit issues, including the historic rehabilitation income tax credit may be assigned. Authors: Reps. Clere, Soliday, Sullivan and Speedy
 01/09/12: Referred to Committee on Ways and Means

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/26/12				

HB 1190 Real property reassessment. Requires the county assessor of each county to, before 2014, prepare and submit to the department of local government finance (DLGF) a reassessment plan for the county that first applies for the assessment date in 2016. and specifies requirements for the plan. Authors: Reps. Crouch, Welch and Thompson; **Senate Sponsor: Senator Hershman**
 01/09/12: Referred to Committee on Ways and Means

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/23/12	01/27/12			

HB 1195 Property tax appeals. Establishes standards of review for property tax assessment appeals. Authors: Reps. Smith, Clere and Cheatham
 01/09/12: Referred to Committee on Ways and Means

Passed by Committee in First Chamber	Passed by First Chamber	Passed by Committee in Second Chamber	Passed by Second Chamber	Signed by Governor
01/26/12				