

# FAEGRE DRINKER

## 2021 Indiana Legislative Update #1

# BOMA Indianapolis



*January 10, 2021*

State lawmakers returned to the capital on Monday for what promises to be one of the most unusual legislative sessions in recent history. In order to accommodate social distancing, the House has set up an ad hoc chamber in a large conference room in the Indiana Government Center. The Senate will continue to hold its sessions in the Statehouse, but senators are scattered throughout the chamber, including in the gallery which is now closed to the public.

Health permitting, the Senate plans to stick to a regular schedule, with sessions on Monday, Tuesday and Thursday afternoons, and a full slate of committee meetings. Conversely, the House is planning to meet in session just once per week at least through the month of January. House committees will meet Monday through Wednesday, and the full House will convene in session on Thursday to adopt committee reports, release the following week's committee schedule, and take any planned floor action.

It's been an eventful week at the Statehouse as both the legislators and the public have been adjusting to the new procedures. The transition has been a smooth one so far, and legislators have been busy filing bills in their respective chambers in advance of the upcoming bill filing deadlines.

The Senate took speedy action on legislation that would protect businesses and local government from certain COVID-related liability. **Senate Bill 2** provides civil immunity for damages resulting from exposure of an individual to COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person. The bill was heard on Wednesday by the Senate Judiciary Committee but was held until this Wednesday (January 13) for vote and possible amendment.

Looking ahead to the upcoming week, lawmakers in both chambers are expected to consider several additional bills addressing COVID-19. In addition to protecting businesses from lawsuits brought by customers or employees who contract COVID-19, **House Bill 1002** would also extend specific protections from liability to various health care providers. HB 1002 is set for hearing in the House Judiciary Committee on Tuesday. Other COVID-related bills slated for committee hearings include **House Bill 1123**, which would limit the governor's authority to declare disaster emergencies, and **Senate Bill 5**, which would establish an appeals process for enforcement actions taken by local boards of health and local health officers.

Following are summaries of bills filed to date of potential interest to BOMA. Bills that have received hearings or are set for hearing are highlighted.

<b>HB 1002</b>	<b>CIVIL IMMUNITY RELATED TO COVID-19 (TORR J)</b>		
	<ul style="list-style-type: none"> <li>• Protects health care providers from professional discipline for certain acts or omissions related to the provision of health care services during a state disaster emergency. Provides that the protection applies to the provision of health care services after February 29, 2020, and before April 1, 2022. Provides that a health care provider is not protected from professional discipline if the health care provider's action, omission, decision, or compliance constitutes gross negligence or willful misconduct. Provides that a health care provider is not protected from professional discipline for actions that are outside the skills, education, and training of the health care provider, unless the health care provider's actions are undertaken in good faith and in response to a lack of resources caused by a state disaster emergency. Provides immunity from civil liability to certain persons, entities, and facilities providing health care services after February 29, 2020, and before April 1, 2022, for certain acts or omissions related to the provision of health care services during a state disaster emergency.</li> <li>• Specifies that orders and recommendations issued by local, state, and federal government agencies and officials during a state disaster emergency do not create new causes of action or new legal duties. Specifies that the orders and recommendations are presumed irrelevant to the issue of the existence of a duty or breach of a duty. Specifies that the orders and recommendations are inadmissible at trial to establish that a new cause of action has been created or proof of a duty or a breach of a duty.</li> <li>• Prohibits bringing a civil action against another person based in whole or in part on an allegation that the person's loss, damage, injury, or death was caused by the: (1) exposure to COVID-19; (2) transmission of COVID-19; or (3) contraction of COVID-19; unless the person establishes that the other person caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct.</li> <li>• Prohibits filing a class action lawsuit against a defendant in a civil action allowed by the statute.</li> <li>• Specifies that a governmental entity or employee is not liable if a loss results from an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence or willful misconduct. Provides that a person is not liable to a claimant for loss, damage, injury, or death arising from COVID-19 unless the claimant proves by clear and convincing evidence that the person caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct.</li> </ul>		
	<table border="0"> <tr> <td style="padding-right: 10px;"><b><i>Current Status:</i></b></td> <td>1/12/2021 - House Judiciary, (Bill Scheduled for Hearing); <b>Time &amp; Location:</b> 1:30 PM, IGCS Chamber</td> </tr> </table>	<b><i>Current Status:</i></b>	1/12/2021 - House Judiciary, (Bill Scheduled for Hearing); <b>Time &amp; Location:</b> 1:30 PM, IGCS Chamber
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**HB 1031 RESIDENTIAL HOUSING DEVELOPMENT PROGRAM (MOED J)** Defines "residential housing" as housing or workforce housing that consists of single family dwelling units sufficient to secure quality housing in reasonable proximity to employment. Revises the requirements an allocation area must meet for the redevelopment commission to establish a program for housing. Allows the redevelopment commission of a consolidated city (commission) to establish a program for residential housing development and a tax increment funding allocation area for the program if the average of new, residential houses constructed in the consolidated city in each of the preceding three years is less than 1% of the total number of residential houses located in the consolidated city. Requires the department of local government finance, in cooperation with the appropriate agency of the consolidated city, to determine eligibility for the residential housing development program. Specifies the findings the commission must make before adopting the residential housing development program. Provides that all of the rights, powers, privileges, and immunities that may be exercised by the commission in

blighted, deteriorated, or deteriorating areas may be exercised by the commission in implementing a residential housing development program, including levying a special tax, issuing bonds, or entering into leases and allocating incremental property tax revenue.

*Current Status:* 1/4/2021 - Referred to House Ways and Means

*State Bill Page:* [HB 1031](#)

**HB 1051 LEVY CONTROLS** (THOMPSON J) Provides that for years after 2021 an assessed value growth quotient is determined individually for each taxing unit. Provides that the assessed value growth quotient for a taxing unit is determined by a formula that is based on: (1) the average growth in the taxing unit's net assessed value; and (2) the average circuit breaker losses experienced by a taxing unit. Eliminates Indiana nonfarm personal income as a factor in computing an assessed value growth quotient.

*Current Status:* 1/4/2021 - Referred to House Ways and Means

*State Bill Page:* [HB 1051](#)

**HB 1095 TRESPASSING** (MOED J) Provides that a person commits the offense of criminal trespass if: (1) the person, who does not have a contractual interest in the property, knowingly or intentionally enters or refuses to leave the property of another person after having been prohibited from entering or asked to leave the property by a law enforcement officer when the property is designated by a municipality or county enforcement authority to be an unsafe building or premises; or (2) the person knowingly or intentionally enters the property of another person after being denied entry by a court order that has been issued to the person or issued to the general public by conspicuous posting on or around the premises in areas where a person can observe the order when the property has been designated by a municipality or county enforcement authority to be an unsafe building or premises; unless the person has the written permission of the owner, the owner's agent, an enforcement authority, or a court to come onto the property for purposes of performing maintenance, repair, or demolition.

*Current Status:* 1/7/2021 - Referred to Committee on Courts and Criminal Code

*All Bill Status:* 1/7/2021 - First Reading

1/7/2021 - Authored By Justin Moed

*State Bill Page:* [HB 1095](#)

**HB 1123 STATE OF DISASTER EMERGENCIES** (LEHMAN M) Provides that a state of disaster emergency may not continue for longer than 30 days unless the state of disaster emergency is renewed for an additional 30 days by the governor and the general assembly is in session or the governor has called for a special session under Article 4, Section 9 of the Constitution of the State of Indiana. Provides that, after the initial 30 day renewal of the state of disaster emergency, any subsequent renewal or revision of the state of disaster emergency may be renewed or revised by the governor every 30 days. Provides that the state of disaster emergency is terminated if, during any 60 day period while the state of disaster emergency is in effect, the general assembly has not been in session or the governor has not called for a special session under Article 4, Section 9 of the Constitution of the State of Indiana. Provides that a special session of the general assembly may convene at any time during the 30 days after which the governor issues a proclamation that calls for a special session of the general assembly.

*Current Status:* 1/12/2021 - House Rules and Legislative Procedures, (Bill Scheduled for Hearing); **Time & Location:** 3:30 PM, House Chamber

*State Bill Page:* [HB 1123](#)

**HB 1143 REQUESTS FOR LAW ENFORCEMENT AT RENTAL PROPERTIES** (MOED J) Repeals a provision in the law governing landlord-tenant relations that does the following: (1) Prohibits a political subdivision from imposing certain penalties against a tenant, an owner, or a landlord for a contact made to request law enforcement or other emergency assistance for one or more rental units if: (1) the contact is made by or on behalf of: (A) a victim or potential victim of abuse; (B) a victim or potential victim of a crime; or (C) an individual in an emergency; and (2) certain conditions apply. (2) Provides that if: (A) a political subdivision imposes penalties for other types of contacts made to request law enforcement or other emergency assistance for rental units; and (B) a request for law enforcement or

emergency assistance is made by a tenant; the penalty imposed must be assessed against the tenant and may not exceed \$250.

**Current Status:** 1/7/2021 - Referred to House Local Government

**All Bill Status:** 1/7/2021 - First Reading  
1/7/2021 - Authored By Justin Moed

**State Bill Page:** [HB 1143](#)

**HB 1164 VARIOUS UTILITY MATTERS (MANNING E)** Exempts a contract for the lease of state property under which no state expenditures are required from provisions: (1) requiring certain disclosures and certifications by a prospective state contractor regarding violations of Indiana telephone solicitation and automated calling statutes; (2) regarding cancellation of public purchasing contracts due to lack of funds; (3) regarding state contractor use of the E-Verify program; and (4) prohibiting state contractor employment of unauthorized aliens. Provides limitations on fees, terms, and conditions that may be imposed by a person or entity for access to: (1) tracks, conduits, subways, or poles; or (2) other equipment on, over, or under a street or highway; owned or controlled by the person or entity. Amends the procedures under which a public utility applies to a municipality or county executive for authorization to occupy and perform work in a public right-of-way controlled by the municipality or county executive, and provides for restrictions on the requirements a municipality or county executive may impose for purposes of granting such authority. Provides that the Indiana utility regulatory commission (IURC) may not require a communications service provider to: (1) file a tariff; or (2) report to the IURC any information that is: (A) available to the public on the communications service provider's Internet web site; (B) filed with the Federal Communications Commission; or (C) otherwise available to the public; except for purposes of the communications service provider's application for a certificate of territorial authority. Amends the factors that must exist for a permit authority to prohibit the placement of a new utility pole or wireless support structure for purposes of construction, placement, or use of a small cell facility or structure in an area that is: (1) within a right-of-way; and (2) designated strictly for underground or buried utilities. Provides that a permit authority may not impose: (1) a restriction on maximum height of a wireless support structure; or (2) a requirement regarding minimum separation distance between wireless support structures. Specifies that providers of cable service are communications service providers regulated under certificates of territorial authority issued by the IURC. Provides that a tariff filed with the IURC by a communications service provider is effective upon filing. Provides that a video service provider is not required to provide the IURC with information describing the provider's service, including the provider's channel lineups or channel guides. Exempts a political subdivision's disposal of property by sale, exchange, transfer, or lease of the property to a public utility or a communications service provider from certain provisions regarding disposal of property by a political subdivision. Provides an exemption to the public works law for certain work done by the employees of a conservancy district established for the purpose of water or sewage treatment.

**Current Status:** 1/7/2021 - Referred to House Utilities, Energy and Telecommunications

**All Bill Status:** 1/7/2021 - First Reading  
1/7/2021 - Authored By Ethan Manning

**State Bill Page:** [HB 1164](#)

**HB 1166 PROPERTY TAX ASSESSMENT APPEALS (SOLIDAY E)** Provides that if an assessment on a taxpayer's residential real property or commercial property is increased for a tax year for any reason other than trending, and the taxpayer appeals the increased assessment to the county property tax assessment board of appeals or the Indiana board of tax review and prevails, or prevails at any subsequent appeal of the increased assessment, the assessing official may not increase the assessed value on the residential real property or commercial property for the next five years for any reason other than trending. Specifies that the provision does not apply where there was a change in structural improvements, zoning, or use that was not considered in the assessment for the prior tax year.

**Current Status:** 1/13/2021 - House Ways and Means, (Bill Scheduled for Hearing); **Time & Location:** 1:30 PM, House Chamber

**State Bill Page:** [HB 1166](#)

**HB 1173 TAX EXEMPTION FOR LANDLORD OF A NONPROFIT RENTER** (KLINKER S) Provides that to qualify for a tax exemption, an owner of a building may establish a charitable purpose by leasing all or part of the building at a rate substantially below market cost to a person using the building for an educational, literary, scientific, religious, or charitable purpose.

*Current Status:* 1/7/2021 - Referred to House Ways and Means

*All Bill Status:* 1/7/2021 - First Reading  
1/7/2021 - Authored By Sheila Klinker

*State Bill Page:* [HB 1173](#)

**HB 1184 UNIFORM TREATMENT OF ENTITIES DURING AN EMERGENCY** (MORRISON A) Provides that during a disaster or emergency beyond local control, any order, rule, or regulation made, amended, or rescinded by the governor limiting the operation of a business or industry shall be applied equally to all other businesses and industries. Provides that if there is a specific threat to a particular business or industry, any disparate treatment towards the particular business or industry shall be justified by specific findings as to why the particular business or industry is being treated differently.

*Current Status:* 1/7/2021 - Referred to House Government and Regulatory Reform

*All Bill Status:* 1/7/2021 - First Reading  
1/7/2021 - Authored By Alan Morrison

*State Bill Page:* [HB 1184](#)

**HB 1191 LOCAL UNIT POWER TO PROHIBIT UTILITY CONNECTION** (PRESSEL J) Provides that the legislative body of a city or town or a county executive does not have the power to prohibit: (1) a public utility or department of public utilities from furnishing utility service to a utility customer; or (2) a customer of a public utility or department of public utilities from purchasing, using, or connecting or reconnecting to a utility service; based on the energy source of the utility service. Provides that any code, ordinance, land use regulation, or general or specific plan provision adopted by the legislative body of a city or town or a county executive must preserve the ability of an owner of private property to use the utility service of a utility service provider that is authorized by state law to provide the utility service.

*Current Status:* 1/13/2021 - House Utilities, Energy and Telecommunications, (Bill Scheduled for Hearing); **Time & Location:** 3:30 PM, IGCS Chamber

*State Bill Page:* [HB 1191](#)

**HB 1205 RIOTING** (MCNAMARA W) Removes immunity under the Indiana tort claims act for the failure to enforce a law if the failure to enforce the law: (1) occurs in connection with an unlawful assembly; and (2) constitutes gross negligence. Requires a person convicted of a battery against a law enforcement officer, firefighter, or emergency medical services provider to: (1) serve a mandatory minimum sentence of 30 or 90 days, depending on the severity of the injury; and (2) make restitution to the victim. Defines "tumultuous conduct" and "unlawful assembly" for purposes of the rioting statute, and requires a person convicted of rioting to: (1) serve a mandatory minimum sentence of 30 days; and (2) make restitution to the victim. Defines "camp" and "state capitol and related property", and makes unlawful camping on state capitol and related property a Class A misdemeanor. Allows for the civil forfeiture of property that is used by a person to finance a crime committed by a person while a (lawful or unlawful) protest was taking place. Adds enhanced penalties to the crimes of: (1) rioting; (2) criminal mischief; (3) intimidation; and (4) disorderly conduct. Adds a sentence enhancement to battery committed while a (lawful or unlawful) protest was taking place. Defines "defunding law enforcement" and allows a person to bring an action to enjoin a local unit from defunding law enforcement.

*Current Status:* 1/14/2021 - Authored By Wendy McNamara

*State Bill Page:* [HB 1205](#)

**HB 1220 21ST CENTURY ENERGY POLICY DEVELOPMENT TASK FORCE** (SOLIDAY E) Reestablishes the 21st century energy policy development task force (task force), following its expiration on December

2, 2020. Provides that the task force consists of 15 members as follows: (1) Six members of the house of representatives, with four of those members appointed by the speaker, and two appointed by the minority leader. (2) Six members of the senate, with four of those members appointed by the president pro tempore, and two appointed by the minority leader. (3) Three members appointed by the governor, each of whom must have specified experience with respect to energy. Provides that: (1) one of the members appointed by the speaker; and (2) one of the members appointed by the president pro tempore; shall serve as co-chairs of the task force. Provides that an individual appointed to serve on the task force at any time before December 2, 2020, under the expired statute governing the task force may be appointed to serve on the task force after December 1, 2020, under these new provisions, at the discretion of the appointing authority. Provides that: (1) all meetings of the task force shall be open to the public in accordance with the state's open door law; and (2) all records of the task force are subject to the requirements of the state's public records law. Sets forth specific issues that the task force must study not later than November 1, 2022. Requires the task force to: (1) develop recommendations for the general assembly and the governor concerning these issues; (2) issue a report setting forth the recommendations developed; and (3) not later than November 1, 2022, submit the report to the executive director of the legislative services agency, the governor, the chair of the utility regulatory commission, and the utility consumer counselor. Provides that these provisions expire July 2, 2023.

*Current Status:* 1/14/2021 - Authored By Edmond Soliday

*State Bill Page:* [HB 1220](#)

**HB 1261 CLOSED CAPTIONING (MILLER D)** Requires that an owner or operator of a public accommodation must activate closed captioning on all television receivers that are in use during regular hours. Provides that the definition of "television receiver" includes a receiver or electronic device that receives television or streamed programming and has the ability to display closed captioning, including a television, a display screen, and a digital set top box. Allows the civil rights commission (commission) to investigate violations and enforce compliance. Provides that the commission may impose the following civil penalties: (1) \$50 for the first violation. (2) \$150 for the second violation. (3) \$300 for the third violation. (4) \$500 for the fourth violation and each subsequent violation. Provides that if a penalty is imposed, the commission must enter into a remedial plan with the owner or operator for the first violation.

*Current Status:* 1/14/2021 - Authored By Doug Miller

*State Bill Page:* [HB 1261](#)

**HB 1291 ENERGY EFFICIENT BUILDING DESIGN STANDARD (DVORAK R)** Requires the fire prevention and building safety commission to adopt, by rule, the most recent edition or the 2013 edition of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1 for Class 1 structures.

*Current Status:* 1/14/2021 - Authored By Ryan Dvorak

*State Bill Page:* [HB 1291](#)

<b>SB 1</b>	<b>CIVIL IMMUNITY RELATED TO COVID-19 (MESSMER M)</b> Provides civil immunity for damages resulting from exposure of an individual to COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person.
	<i>Current Status:</i> 1/13/2021 - Senate Judiciary, (Bill Scheduled for Hearing); <b>Time &amp; Location:</b> 1:45 PM, Rm. 130
	<i>All Bill Status:</i> 1/6/2021 - Senate Judiciary, (Bill Scheduled for Hearing); <b>Time &amp; Location:</b> 1:30 PM, Rm. 130 1/5/2021 - added as coauthors Senators Buchanan and Rogers 1/4/2021 - Referred to Senate Judiciary 1/4/2021 - First Reading 1/4/2021 - Coauthored by Senator Zay 1/4/2021 - Authored By Mark Messmer
	<i>State Bill Page:</i> <a href="#">SB 1</a>

- SB 30**     **VARIOUS PROPERTY TAX MATTERS** (NIEMEYER R) Provides that an individual who is certified as a level one or level two assessor-appraiser may serve as a tax representative of a taxpayer before the county property tax assessment board of appeals, if authorized by the taxpayer on a form submitted with the taxpayer's notice to initiate an appeal. Provides that an individual who is certified as a level three assessor-appraiser may serve as a tax representative of a taxpayer before the county property tax assessment board of appeals or the Indiana board.
- Current Status:* 1/4/2021 - Referred to Senate Local Government  
    *All Bill Status:* 1/4/2021 - First Reading  
                          1/4/2021 - Authored By Rick Niemeyer  
    *State Bill Page:* [SB 30](#)
- SB 34**     **UNLAWFUL ASSEMBLY** (TOMES J) Provides that a person convicted of rioting is not eligible: (1) for employment by the state or a local unit of government; and (2) to receive certain state and local benefits. Removes immunity under the Indiana tort claims act for the failure to enforce a law if the failure to enforce the law: (1) occurs in connection with an unlawful assembly; and (2) constitutes gross negligence. Allows for the civil forfeiture of property that is used by a person to finance a crime committed by a person who is a member of an unlawful assembly. Prohibits a person from being released on bail without a hearing in open court, establishes a rebuttable presumption that money bail shall be required, and requires a court to consider whether bail conditions more stringent than the local guidelines should be imposed. Adds enhanced penalties to the crimes of: (1) rioting; (2) obstruction of traffic; (3) criminal mischief; and (4) disorderly conduct. Adds a sentence enhancement to battery committed by a member of an unlawful assembly. Defines "defunding law enforcement" and allows a person to bring an action to enjoin a local unit from defunding law enforcement.
- Current Status:* 1/4/2021 - Referred to Senate Corrections and Criminal Law  
    *All Bill Status:* 1/4/2021 - First Reading  
                          1/4/2021 - Authored By James Tomes  
    *State Bill Page:* [SB 34](#)
- SB 50**     **VENTURE CAPITAL INVESTMENT TAX CREDIT** (ZAY A) Provides that debt from qualified investment capital must be for a repayment term of at least 12 months. Clarifies that the Indiana economic development corporation (IEDC) shall certify businesses that are engaged in sectors not excluded by the statute from eligibility and that are determined by the IEDC to have the significant potential to meet the listed statutory criteria. Removes limitations on retail businesses for the qualified Indiana business certification by the IEDC.
- Current Status:* 1/4/2021 - Referred to Senate Tax and Fiscal Policy  
    *All Bill Status:* 1/4/2021 - First Reading  
                          1/4/2021 - Authored By Andy Zay  
    *State Bill Page:* [SB 50](#)
- SB 95**     **ANNEXATION** (BOOTS P) Provides, with certain exceptions, that the following apply to annexations for which an annexation ordinance is adopted after May 14, 2021: (1) A municipality initiating an annexation must file a petition with the court signed by: (A) at least 51% of the owners of land that is not exempt from property taxes in the annexation territory; or (B) the owners of more than 75% in assessed valuation of land that is not exempt from property taxes in the annexation territory. (2) If the petition filed by the municipality has enough signatures, the court must hold a hearing to review the annexation. (3) Adds provisions regarding the validity of a signature on an annexation petition. (4) Eliminates the remonstrance procedure for annexations and reimbursement of remonstrator's attorney's fees and costs. (5) Provides that remonstrance waivers are void for annexations for which the annexation ordinance is adopted after May 14, 2021. (6) Provides that a settlement agreement in lieu of annexation that is executed after May 14, 2021, is void. (7) Eliminates provisions regarding the contiguity of a public highway. Eliminates provisions that prohibit an annexation from taking effect in the year preceding the year that a federal decennial census is conducted.
- Current Status:* 1/5/2021 - Referred to Senate Local Government

*All Bill Status:* 1/5/2021 - First Reading  
1/5/2021 - Authored By Philip Boots

*State Bill Page:* [SB 95](#)

**SB 96** **RIOTING** (GROOMS R) Requires a person convicted of a battery against a law enforcement officer, firefighter, or emergency medical services provider to: (1) serve a mandatory minimum sentence of 30 or 90 days, depending on the severity of the injury; and (2) make restitution to the victim. Defines "tumultuous conduct" and "unlawful assembly" for purposes of the rioting statute, and requires a person convicted of rioting to: (1) serve a mandatory minimum sentence of 30 days; and (2) make restitution to the victim. Defines "camp" and "Indiana government center campus", and makes unlawful camping on the Indiana government center campus a Class A misdemeanor.

*Current Status:* 1/7/2021 - Referred to Senate Corrections and Criminal Law

*All Bill Status:* 1/7/2021 - First Reading  
1/7/2021 - Authored By Ronald Grooms

*State Bill Page:* [SB 96](#)

**SB 102** **HISTORIC PROPERTY CRIMINAL MISCHIEF** (HOUCHIN E) Provides that a person who recklessly, knowingly, or intentionally damages, defaces, or alters, without a permit, historic property that is: (1) owned by the state; or (2) located on property owned or leased by the state; commits historic property criminal mischief, a Class A misdemeanor. Provides that the offense is a Level 6 felony if the pecuniary loss is at least \$750 but less than \$50,000, and a Level 5 felony if the pecuniary loss is at least \$50,000. Repeals the offense of altering historic property and incorporates the offense into the crime of historic property criminal mischief. Makes conforming changes.

*Current Status:* 1/5/2021 - Referred to Senate Corrections and Criminal Law

*All Bill Status:* 1/5/2021 - First Reading  
1/5/2021 - Authored By Erin Houchin

*State Bill Page:* [SB 102](#)

**SB 126** **WORKER CLASSIFICATION AND ACCOUNTABILITY** (BOHACEK M) Establishes a presumption that individuals providing labor for certain government supported projects are employees. Specifies that the general contractor for these projects is jointly liable with any subcontractor or professional employer organization for penalties and unpaid taxes or deposits with a governmental entity resulting from failure to comply with any law, regulation, ordinance, or contract provision requiring licensing, bonding, insurance or self-insurance, or misclassification of an employee as an independent contractor. Provides a procedure for an interested person to initiate an investigation of a violation.

*Current Status:* 1/5/2021 - Referred to Senate Pensions and Labor

*All Bill Status:* 1/5/2021 - First Reading  
1/5/2021 - Authored By Mike Bohacek

*State Bill Page:* [SB 126](#)

**SB 138** **ADJUSTED GROSS INCOME TAX EXEMPTION** (ZAY A) Provides that, to the extent that the definition of the Internal Revenue Code (IRC) in Title 6 of the Indiana Code is not updated by amendment in the 2021 regular session of the general assembly or thereafter to conform with the CARES Act, a taxpayer is entitled to an exemption from state adjusted gross income equal to the amount of income associated with forgiveness of a covered loan under the Paycheck Protection Program of the CARES Act that is excluded from the taxpayer's federal gross income under Section 1106(i) of that Act, but otherwise included in the taxpayer's state adjusted gross income based on the definition of the IRC in Title 6 of the Indiana Code.

*Current Status:* 1/5/2021 - Referred to Senate Tax and Fiscal Policy

*All Bill Status:* 1/5/2021 - First Reading  
1/5/2021 - Authored By Andy Zay

*State Bill Page:* [SB 138](#)

**SB 189** **WHITE RIVER STATE PARK DEVELOPMENT COMMISSION** (TAYLOR G) Provides that interviews

and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana White River state park development commission (commission) may be held in executive session. Provides that records relating to negotiations between the commission and industrial, research, or commercial prospects are exempt from public disclosure at the discretion of the commission. Provides that records relating to negotiations between the commission and industrial, research, or commercial prospects are available for public inspection after the negotiations between the commission and prospect have terminated. Provides that the governor shall designate officers to the commission. Provides that the governor shall appoint an executive director to the commission, who shall serve as the administrative officer for the commission, which includes supervising employees and staff members of the commission. Provides that the commission may delegate powers to the executive director.

**Current Status:** 1/5/2021 - Referred to Senate Public Policy

**All Bill Status:** 1/5/2021 - First Reading  
1/5/2021 - Authored By Greg Taylor

**State Bill Page:** [SB 189](#)

**SB 213** **CERTIFIED TECHNOLOGY PARKS** (HOLDMAN T) Increases, from \$100,000 to \$250,000, the annual additional incremental income tax deposit amount that a certified technology park captures once it has reached its limit on deposits. Clarifies the calculation of the additional incremental income tax deposit amount in the year in which a certified technology park reaches its limit on deposits.

**Current Status:** 1/11/2021 - Referred to Senate Tax and Fiscal Policy

**All Bill Status:** 1/11/2021 - First Reading  
1/11/2021 - Authored By Travis Holdman

**State Bill Page:** [SB 213](#)

**SB 215** **REDEVELOPMENT PROJECTS** (HOLDMAN T) Adds a statement of legislative intent regarding the redevelopment tax credit (tax credit). Requires the Indiana economic development corporation (IEDC) to maintain a web page for the redevelopment tax credit program on its Internet web site. Amends provisions of the tax credit to require the IEDC to accept and review all applications submitted to the IEDC and provide a written determination within 60 days of receipt. Removes language specifying that a taxpayer's qualified investment must be made during the taxable year for purposes of determining the amount of a credit the taxpayer may claim. Prohibits the IEDC from including a claim schedule in a credit award agreement that extends more than two years beyond the projected completion date of the project. Prohibits the IEDC from limiting, in the credit award agreement: (1) the certification amount of the taxpayer's qualified investments for a taxable year; or (2) the maximum amount of a credit awarded to the taxpayer that may be claimed during a taxable year; to less than 50% of the total tax credit awarded. Eliminates the requirement to include a repayment provision for the amount of any credit award that exceeds \$7,000,000. Increases the cap on the redevelopment tax credit from \$50,000,000 to \$150,000,000 per state fiscal year. However, requires 50% of the total credits awarded in a state fiscal year to be awarded for qualified investments that result in an award of less than \$10,000,000. Requires the IEDC to submit an annual report to the interim study committee on fiscal policy regarding the redevelopment tax credit program. Provides that the expiration date of an allocation area established by the redevelopment commission of a qualified city for the purpose of financing a mixed use development project only may not be more than 50 years. Authorizes a qualified city to enter into leases financed with incremental tax revenue from the allocation area for a term not to exceed 50 years for the purpose of financing a mixed use development project. Defines "qualified city" and "mixed use development project" for purposes of these provisions.

**Current Status:** 1/11/2021 - Referred to Senate Tax and Fiscal Policy

**All Bill Status:** 1/11/2021 - First Reading  
1/11/2021 - Authored By Travis Holdman

**State Bill Page:** [SB 215](#)

**SB 218** **TOWNSHIP HOMELESS ASSISTANCE** (SANDLIN J) Beginning July 1, 2022: (1) requires (rather than allows) a township trustee to place a homeless individual temporarily in a county home or provide temporary township assistance; and (2) requires the township trustees within a county to

collaborate and prepare a list of public and private resources available to the homeless population that is distributed and published on the county's Internet web site not later than March 1 of each year.

*Current Status:* 1/7/2021 - Referred to Senate Local Government

*All Bill Status:* 1/7/2021 - First Reading

1/7/2021 - Authored By Jack Sandlin

*State Bill Page:* [SB 218](#)

## **SB 225**

**PERMITS FOR WIRELESS COMMUNICATIONS FACILITIES** (FORD J) Amends the statute concerning the issuance of permits by local permit authorities to communications service providers for the construction and installation of wireless facilities and wireless support structures (including small cell facilities) as follows: (1) Allows a neighborhood association, a homeowners association, or an individual resident of the area over which a permit authority has jurisdiction to register with the permit authority to receive mailed notice of any permit application filed with the permit authority. (Current law allows only neighborhood associations and homeowners associations to register to receive notice, and only with respect to applications for new utility poles or new wireless support structures used to support small cell facilities.) (2) Provides that upon receiving a permit application after June 30, 2021, a permit authority shall provide notice of the application on: (A) the permit authority's Internet web site; or (B) if the permit authority does not maintain an Internet web site, the Internet web site of each affected local unit with respect to which the permit authority has jurisdiction. (3) Specifies that a local unit or permit authority is not prohibited from adopting any ordinance or regulation that requires or regulates the placement of signs, markers, or other notices: (A) on or near any wireless support structures or wireless facilities; and (B) that include information, notice, or warnings concerning radio frequency fields or radiation associated with wireless facilities. (4) Subject to protections for certain information, requires: (A) permit authorities to submit information to the Indiana utility regulatory commission (IURC) concerning: (i) the location of each wireless facility or wireless support structure for which a permit has been approved; and (ii) the communications service provider for which the permit was approved; and (B) the IURC to publish on the IURC's Internet web site the information submitted. (5) With respect to an application for a permit to construct a new wireless support structure: (A) removes language allowing an applicant's decision not to collocate wireless facilities on an existing wireless support structure to be based on evidence that collocation would be an economic burden to the applicant; and (B) requires that certain other evidence that may serve as the basis for an applicant's decision against collocation be certified by a professional engineer. (6) Provides that with respect to an application for the placement of a small cell facility and the associated supporting structure at a location where a supporting structure does not exist, a permit authority may propose, as an alternative location, that the small cell facility be collocated on an existing utility pole or wireless support structure if the existing utility pole or wireless support structure is located within 100 feet (versus 50 feet under current law) of the applicant's proposed location. (7) Requires the applicant to use the permit authority's alternative location if that location will not result in technical limitations or significant additional costs, as certified by a professional engineer whose selection is agreed to by both parties. (Current law allows the applicant, rather than requires an independent professional engineer, to determine whether the permit authority's proposed alternative location will result in technical limitations or additional costs.) (8) With respect to an application concerning a small cell facility and an associated supporting structure, removes a provision that prohibits a permit authority from conditioning approval of the application on the applicant's agreement to allow other wireless facilities to be placed at, attached to, or located on the associated support structure. (9) Specifies that the statute does not prohibit a local unit or a permit authority from offering or approving tax incentives or other incentives for communications service providers that offer or agree to collocate a proposed wireless facility on an existing structure. (10) Urges the legislative council to assign to the interim study committee on energy, utilities, and telecommunications the task of studying the impact on human health of radiation or radio frequency fields associated with wireless communications facilities.

*Current Status:* 1/7/2021 - Referred to Senate Utilities

*All Bill Status:* 1/7/2021 - First Reading

1/7/2021 - Authored By J.D. Ford

*State Bill Page:* [SB 225](#)

**SB 238**     **DESIGNATED OUTDOOR REFRESHMENT AREAS** (BROWN L) Allows a municipality to designate an area of the municipality as an outdoor refreshment area (refreshment area) with the approval of the alcohol and tobacco commission (commission). Provides that if a refreshment area is approved, the commission designates retailer permittees (designated permittees) located within the refreshment area. Allows a consumer to exit a designated permittee's premises with one open container of an alcoholic beverage at a time to consume within the refreshment area. Limits the volume of an open container (based upon the type of alcoholic beverage) that a designated permittee may sell or furnish to a consumer for a refreshment area. Requires a consumer to wear a wristband in order to exit a licensed premises into a refreshment area with an open container. Allows a minor to be present in a refreshment area. Allows a municipality to adopt an ordinance at any time to dissolve a refreshment area. Makes the following acts a Class C misdemeanor: (1) A person who exits a designated permittee's premises with an open container of an alcoholic beverage without wearing a wristband identification. (2) A designated permittee who allows a person with an open container of an alcoholic beverage to exit the premises without wearing a wristband identification. (3) A designated permittee who sells or furnishes a person with: (A) an open container of an alcoholic beverage that exceeds the container volume limitations; or (B) two or more open containers of alcoholic beverages at a time. (4) A person who consumes an open container of an alcoholic beverage purchased from a designated permittee outside the refreshment area. (5) A person who brings an alcoholic beverage into a refreshment area that was not purchased from a designated permittee.

*Current Status:* 1/7/2021 - Referred to Senate Public Policy

*All Bill Status:* 1/7/2021 - First Reading  
1/7/2021 - Authored By Liz Brown

*State Bill Page:* [SB 238](#)

**SB 249**     **NET METERING FOR ELECTRICITY GENERATION** (ALTING R) Amends the statute concerning distributed electricity generation as follows: (1) Provides that an electricity supplier's net metering tariff must be made and remain available to customers until the earlier of: (A) January 1 of the first calendar year after the calendar year in which the aggregate amount of net metering facility nameplate capacity under the electricity supplier's net metering tariff equals at least 5% (versus 1.5% under current law) of the electricity supplier's most recent summer peak load; or (B) July 1, 2024 (versus July 1, 2022, under current law). (2) Provides that before July 1, 2021, each electricity supplier shall petition the utility regulatory commission (IURC) for approval of an amended or a new net metering tariff to do the following: (A) Establish as the allowed limit on the aggregate amount of net metering facility nameplate capacity under the net metering tariff an amount equal to at least 5% (versus 1.5% under current law) of the most recent summer peak load of the electricity supplier. (B) Establish a required reservation of capacity under the nameplate capacity limit to require the reservation of: (i) 30% (versus 40% under current law) of the capacity for participation by residential customers; and (ii) 5% (versus 15% under current law) of the capacity for participation by customers that install a net metering facility that uses organic waste biomass. (3) Makes conforming amendments. Adds a noncode provision staying the implementation of a rate for the procurement of excess distributed generation for which an electricity supplier has applied or received approval from the IURC under current law, until such time as the conditions for the expiration of the electricity supplier's net metering tariff, as set forth in the bill, apply to the electricity supplier.

*Current Status:* 1/11/2021 - Referred to Senate Utilities

*All Bill Status:* 1/11/2021 - First Reading  
1/11/2021 - Authored By Ron Alting

*State Bill Page:* [SB 249](#)