

INDIANA BUILDERS ASSOCIATION
Legislative and Regulatory Report #1
January 12, 2007

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HIGHLIGHTS

IBA to Host Legislators at Convention

The Indiana Builders Association has invited the Indiana General Assembly to attend our **“Party in the Paddock” on Wednesday, January 17, 2007 from 5:00-7:00 p.m.** Please join your State Representative and State Senator for our casino themed party. This will be a wonderful opportunity to meet and converse with your State Legislators. Although all 150 Legislators have been invited, we encourage you to follow up with your district’s State Legislators to help promote attendance.

Indiana Land Resources Council to hold sessions on Proposed Model Ordinances

The Indiana Land Resources Council in coordination with the Indiana State Department of Agriculture will hold three listening sessions across Indiana to gain insight from the public on proposed model zoning ordinances. The meetings will be held state wide in January with the following dates and locations:

January 17: Hamilton County 4-H Fairgrounds in the O.V. Wink Building, 2003 East Pleasant St in Noblesville

January 18: Elkhart County 4-H Fairgrounds in the Ag Hall, 17746 CR 34 in Goshen

January 22: Scottsburg High School Commons, 500 S. Gardner St. in Scottsburg

2007 Indiana Safety and Health Conference and Expo

The 2007 Indiana Safety and Health Conference and Expo will be held on **February 13th and 14th at the Crowne Plaza Hotel in downtown Indianapolis.** On **February 13th,** the **Keynote Speaker will be Dr. E. Scott Geller.** He will focus on safety in the workplace by discussing the practices and benefits of Behavior Based and People Based Safety Programming. On **February 14th,** the **Governor’s Workplace Safety Awards Luncheon** will be held from 11:45-1:00. The awards luncheon distinguishes the most innovative safety and health initiatives among Indiana’s workplaces.

Governor's Proposed Budget Outlined for Legislators

Governor Daniels has submitted his proposed budget outline to state lawmakers. It calls for an overall increase of 3.8 percent the first year with an additional 3.3 percent the second year. The majority of the new money will be going towards education. The proposal also puts a freeze on state property tax relief to maintain their current levels. With the Governor's proposal, there will be about a 7% surplus and the Indiana General Assembly would have about \$113 million to work with, if proper guidelines are followed. The Administration has also said that it supports the general concept of the proposal put forth by the Association of Cities and Towns in regards to allow other local taxes to replace property taxes.

INDIANA'S LIEN LAWS

As the Indiana General Assembly convenes for the long session, the Chair of the group is pulling the Task Force together to discuss any potential legislation as well as discuss any suggestions to make Indiana's lien laws better. The Task Force will also hear a presentation on a statewide construction registry, similar to a program in Utah. The Chairman of the Task Force, Dennis Spidel (IBA Treasurer) from Angola, has scheduled a meeting for: **Thursday, January 18, 2007 from 1-3 p.m. in the Indiana Convention Center, Indianapolis- room 110.** Please contact IBA if you are interested in serving on the Task Force and if you can make the meeting on the 18th. A link below to Indiana's Mechanics Lien statute for your perusal:

<http://www.ai.org/legislative/ic/code/title32/ar28/ch3.html>

LEGISLATIVE

The following bills are legislation that we would like to share with membership. At this point, not all the bills have been released, but we will continue to update the list as bills are released to the public.

EMPLOYEES RIGHT TO WORK

HB 1024 (Rep. Jerry Torr, R-Carmel)

<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2007&session=1&request=getBill&docno=1024> Makes it a Class A misdemeanor for an employer to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Establishes a private right of action for violations or threatened violations.

WEATHER RADIOS IN MOBILE HOMES

HB 1033 (Rep. Phil Hoy, D-Evansville)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1033> Weather radios in mobile homes. Requires that a mobile home that is installed in a mobile home community be equipped with a weather radio.

TIME ZONE PUBLIC QUESTION

HB 1050 (Rep. Kreg Battles, D-Vincennes and Rep. Nancy Dembowski, D-Knox)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&session=1&request=getBill&docno=1050> Time zone public question. Requires a public question to be placed on the 2008 general election ballot asking voters whether, if the entire state could be placed in the same time zone, the entire state should be located in the Central Time Zone or the Eastern Time Zone.

RESIDENTIAL PROPERTY TAX DEDUCTION

HB 1076 (Rep. Larry Buell, R-Indianapolis)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1076> Residential property tax deduction. Establishes a property tax deduction that phases in the increased assessed value from rehabilitation or enlargement of residential real property.

FLOOD CONTROL

HB 1101 (Rep. Joe Micon, D-West Lafayette)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1101> Requires the natural resources commission to direct the department of natural resources to prepare a statewide flood risk and flood damage assessment. Places a limit on the maximum amount of fill material that may be placed in a floodway, subject to certain exceptions. Makes violation of the limit a Class B infraction. Specifies the standards of review for an application for a permit for certain obstructing activities in a floodway. Allows summary denial of a permit application in certain circumstances. Prohibits a person from placing certain materials in a floodway as fill or for bank stabilization. Places restrictions on the use of flood conveyance channels.

SUBCONTRACTOR LIENS

HB 1163 (Rep. David Orentlicher, D-Indianapolis)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1163> Provides that a contractor must pay all subcontractors within five business days after receiving payment from a homeowner or builder. Provides that a builder must disclose to a purchaser all subcontractors used in new home construction. Requires a contractor to provide notice to all subcontractors when the contractor has been paid by a homeowner or builder. Prohibits a subcontractor from filing a lien against a property if the primary contractor has received full payment for the contract. Allows a subcontractor to file an action against a prime contractor to recover any unpaid claims due under a contract between the prime contractor and the subcontractor.

GROWTH AND DEVELOPMENT STUDY COMMITTEE

HB 1178 (Rep. Ryan Dvorak, D-South Bend)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1178> Establishes a two year growth and development interim study committee made up of members of the general assembly. Directs the committee to examine incentives for growth and development and to study the impact of growth and development on taxes, transportation funding, energy policy, and the environment.

LANDLORD-TENANT LAW

HB 1214 (Rep. Matt Pierce, D-Bloomington)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1214> Specifies circumstances in which a landlord may enter a tenant's dwelling unit.

EMPLOYMENT OF ILLEGAL ALIENS

HB 1253 (Rep. Russ Stillwell, D- Boonville)

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2007&request=getBill&docno=1253> Requires the attorney general to petition a court to impose a civil penalty on an employer that knowingly or intentionally hires or employs an illegal alien. Provides that the civil penalty is: (1) not more than \$5,000 for each illegal alien employed for a first violation; and (2) not more than \$25,000 for each illegal alien employed for a second or subsequent violation. Provides that if a penalty has been imposed against a person within the previous five years, the person is not eligible for any state or local economic development incentives.

HOMEOWNER ASSOCIATION ELECTION DISPUTES

SB 27 (Sen. Brent Waltz, R- Greenwood)

<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2007&request=getBill&docno=27> Requires the parties to a dispute involving the election of a director or an officer of a homeowners association or condominium association to attempt to resolve the dispute through the use of mediation before bringing an action in a court. Provides that, if the parties cannot resolve the dispute and an action is brought in a court, the court: (1) may, on its own motion; and (2) shall, upon the motion of any party to the dispute; refer the case to any appropriate type of alternative dispute resolution selected by the court under the Indiana supreme court rules for alternative dispute resolution.

ANNEXATION

SB 161 (Sen. Beverly Gard, R- Greenfield)

<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2007&request=getBill&docno=161> Reduces the number of landowner signatures required for a remonstrance against an annexation: (1) from at least 65% to at least 51% of the owners of land in the annexed territory; or (2) from the owners of more than 75% to the owners of at least 51% of assessed valuation of the land in the annexed territory. Removes a provision that requires 75% of the owners of land in annexed territory to sign a remonstrance if the territory consists of not more than 100 parcels and 80% of the boundary of the territory proposed to be annexed is contiguous to the municipality.