

INDIANA BUILDERS ASSOCIATION  
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## **HIGHLIGHTS**

### **Walk-ins Welcome to the Construction Industry Legal Issues Conference**

If you would like to attend the Construction Industry Legal Issues Conference, but have not turned in your registration form, please know that we will be accepting walk-ins to the conference.

IBA, in partnership with Locke Reynolds, LLP, is hosting its first “Construction Industry Legal Issues Conference” on June 19<sup>th</sup> at the HH Gregg Conference Center in Indianapolis. This is a must attend event for all building industry professionals to stay informed of legal issues regarding their industry. The Conference will last from 12-4 and includes a lunch. Costs to attend are \$147 for the first person from each company and \$117 for each additional person. If you would like to register for this new event, or if you have any questions, please contact Brooke at the IBA Office at (800)377-6334.

### **NAHB Build-PAC Baseball Game Road Trip**

The Indiana Builders Association, in an effort to raise funds for the NAHB Build-PAC, is taking a road trip to Cincinnati to watch the Cincinnati Reds take on the Milwaukee Brewers on Thursday, July 26<sup>th</sup>. A \$250 minimum contribution to NAHB Build-PAC will ensure you one ticket to the game, refreshments, and transportation to and from Indianapolis in a luxury motor coach. Tickets are limited so be sure to call Brooke at the IBA Office to reserve your spot. (800-377-6334).

\*Only Personal or Non-Personal Corporate checks or charges may be accepted by Build-PAC.

### **NAHB to Launch National Green Building Program**

On June 10 during the NAHB Spring Board of Directors meeting in Washington, D.C., the board of directors of the National Association of Home Builders voted to approve the creation of a national green building program that will provide a model for voluntary, market driven green building all over the country. This standard is the result of a cooperative effort between the International Code Council and NAHB and is based on NAHB’s Model Green Home Building Guidelines. These guidelines are the foundation of more than 20 green building programs created by the state and local home builder

associations throughout the country. The National Green Building Program will include an interactive, web-based certification system along with other tools and resources for builders and certifiers. There will also be a national registry of green builders and green homes. NAHB is proud to be proactive on an important measure, such as this. The new national program will be beneficial to the expanding green building movement.

### **Charbonneau Joins the Indiana Senate**

Ed Charbonneau (R-Valparaiso) has been elected to finish out retiring Senator Vic Heinhold's term for the Indiana Senate District 5. He was elected by precinct committeemen and women to represent parts of Jasper, LaPorte, Marshall, Porter, Pulaski, St. Joseph, and all of Starke County. A native Hoosier, Charbonneau is a resident of Northwest Indiana and was employed by US Steel Corporation for 36 years. His last ten years with the company was spent as head of the governmental and community affairs for USX Corporations, which is the parent company of US Steel and Marathon Oil. One of his most recent accomplishments was being appointed as the Interim President and CEO of Methodist Hospitals, Inc. He currently maintains that position. Charbonneau has been praised by both his predecessor and Senate President Pro Tempore David Long; both are confident that Charbonneau will be beneficial to the Senate and an excellent leader for Senate District 5.

### **Corps/EPA Issues Joint Post-*Rapanos* Guidance**

On June 5<sup>th</sup>, the Environmental Protection Agency (EPA) and the US Army Corps of Engineers released its long-awaited guidance pertaining to the scope of the Clean Water Act (CWA) jurisdiction, which follows the Supreme Court's decision in the *Rapanos* and *Carabell* cases. Documents included in the guidance are: the guidance itself, a memorandum outlining how the EPA and Corps will work with each other to implement the guidance, a Q & A, an approved JD form, and an instructional guidebook on how to fill out the JD form. All the documents can be accessed on the Corps' web page at [http://www.usace.army.mil/cw/cecwo/reg/cwa\\_guide/cwa\\_guide.htm](http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/cwa_guide.htm)

For six months, the EPA and Corps welcome public input on case studies and experiences applying the guidance. The two agencies, within 9 months from the issuance date, will do one of the following: reissue, revise, or suspend the guidance after reviewing the public comments received and field experiments with implementing the guidance.

### **IURC to Investigate Utility Sub-Metering**

On April 25, 2007, The Indiana Utility Regulatory Commission (IURC) issued an order initiating a formal sewer investigation into the practice of sub-metering. Sub-metering is when property owners charge residents for water or sewer service that was procured by the property owner for the resident's ultimate use. This practice happens most frequently in manufactured home communities, campgrounds, and multiple dwelling unit properties.

The IURC has received inquiries and complaints stating that owners may be billing residents at rates higher than approved by the IURC. Also in question, whether some sub-metering companies are imposing administrative fees, late fees, returned check charges not authorized by statute, financing charges and charges to connect, meter installation charges, and disconnect or reconnect services. A pre-hearing conference has been scheduled for June 21, 2007 in Indianapolis.

### **IDEM Publishes Nonrule Policy Document on Denial of Wetland Permits**

The Indiana Department of Environmental Management (IDEM) published a nonrule policy document in the May Indiana Register pertaining to reasons for denial of a State Regulated Wetlands Permit and 401 water quality certification. A document, such as a nonrule policy, is intended solely as guidance and does not have the effect of law. The document's purpose is to identify the reasons for which IDEM denies authorizations under both the State Regulated Wetland Permit program and the 401 water quality certification program. Below is a link to the nonrule policy document:

<http://www.in.gov/legislature/register/20070509-IR-318070241NRA.xml.pdf>

### **Water Board Proposes Changes to Sewer Ban Rule**

Indiana's Water Pollution Control Board published a proposed rule in the May Indiana Register pertaining to sewer bans. The proposed rule amends 327 IAC 4-1-1 through 327 IAC 4-1-6 and 327 IAC 4-1-7 which references sewer bans. The bulk of the changes are technical in nature, however, IBA staff encourages members to review the proposed rule if you are in an area facing a sewer ban. Below is a link to the proposed rule:

<http://www.in.gov/legislative/register/20070516-IR-327060096PRA.xml.pdf>

## **LEGISLATIVE**

### **Legislative Council**

The Indiana General Assembly's Legislative Council met in early June and established the Interim Study Committees. Committees are composed of twelve voting members, with six appointed from the Senate by the Chairman of the Council, and six appointed from the House by the Vice-Chairman of the Council. The appointments made by each chamber are divided equally between the two caucuses. Issues pertaining to our industry that IBA staff will be tracking are as follows:

#### **Annexation Study Committee**

This study will include the impact of allowing municipal annexation of whole or parcels of land, certain agreements between landowners and heirs regarding authority to remonstrate, establishment of boundaries for annexations, county court jurisdiction to decide whether territory is needed, extension of services to annexed territories, and the approval process for annexation.

## **Commission on State Tax and Financing Policy**

The committee will study various tax and finance policies. IBA Staff is set to focus on the following:

- Means of conducting an economic analysis of Indiana's tax system
- Study real property sales disclosure system to determine ways to improve efficiency of system and decrease administrative burden on parties to a property conveyance, also the role of Department of Local Government and Finance (DLGF) has in the system.
- Issues pertaining to property taxes
- Organizational methods and structure used to assess property
- matter of ensuring that the rules and laws with respect to the assessment of personal property and the assessment of real property are the same and equal to each other, including the study of the auditing process, corrections process, and the appeals process with regard to the assessment of personal property and the assessment of real property
- Property tax elimination

## **Natural Resources Study Committee**

IBA Staff will focus on the committee's study of Indiana's archaeological and burial ground laws.

Interim study committees will continue to be announced throughout the summer. IBA staff will keep you informed on future committees and their outcomes.