

INDIANA BUILDERS ASSOCIATION  
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## **HIGHLIGHTS**

### **COMMITTEE DEADLINE APPROACHES**

The House and Senate have until Thursday to pass bills out of committee and expect both Chambers will be very busy this week.

### **SENATE COMMITTEE APPROVES MODEL HOME ACT**

The Senate Tax and Fiscal Policy committee approved House Bill 1164, the Model Home Act with a vote of 9-2 and now will move to the full Senate for further debate. The bill was amended in committee to provide a 50% property tax exemption on the structure of model or speculative homes for builders beginning in 2009. IBA encourages its members to contact State Senators and ask them to vote YES on HB 1164.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=1164>

### **GREEN BUILDING MANDATE LEGISLATION TO BE HEARD IN COMMITTEE**

House Bill 1280, which provides that certain public works contracts valued at \$1 million or more be built or remodeled to LEED silver rating, Green Globes two globes level, or an equivalent ANSI-Certified Standard, will be heard in Senate Energy and Environmental Affairs committee Monday. IBA is opposed to the mandate language in this bill.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=1280>

### **IMMIGRATION BILL HAS A HEARING, VOTE SET FOR NEXT WEEK**

The House Public Policy Committee met Wednesday to discuss and take public testimony on Senate Bill 335, the immigration legislation. Senate Bill 335, as it is currently drafted would punish businesses that knowingly hire illegal immigrants by revoking their license to do business in the state if they are found in violation three times within 10 years. The bill is scheduled for committee where it will be amended and voted on Monday morning. IBA continues to express some concerns with the legislation and believes the issue should be addressed at the federal level.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=335>

### **SIREN LEGISLATION TO BE AMENDED**

The House Local Government Committee has created a sub-committee to work out concerns with Senate Bill 334, dealing with severe weather sirens before amendments and a vote is taken on Wednesday. The bill as written would require developers to pay for the sirens through an impact fee but IBA is confident the funding mechanism will be removed.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=334>

### HOUSE DISCUSSES CONSTRUCTION REGISTRY

The House Technology, Research, and Development committee took testimony on Senate Bill 257, the statewide construction registry. IBA urged the committee to refrain from voting on the bill due to drafting errors and seeing the need for IBA's Mechanics Lien task force to further study the issue. The bill's author, Senator David Ford, has been diagnosed with cancer and there is a lot of support to pass something in his honor. IBA is working with the committee to pass something suggesting the Mechanic's Lien task force study the issue this summer.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=257>

### LEAD BILL HEARD IN HOUSE COMMITTEE

Senate Bill 143, the childhood lead poisoning prevention bill, was hearing in the House Public Policy Committee Monday. IBA noted concerns with the bill and is continuing to work with a sub-committee that was formed by the committee chairman. The sub-committee is currently working on an amendment to address some of IBA's concerns and plan to present their amendment to the full committee before taking a vote Wednesday.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=143>

### HOMEOWNERS ASSOCIATION LANGUAGE TO INCLUDED IN BILL

IBA is working with the title companies to develop language that will address issues on the current priority of liens and timeframe for Homeowner Associations next week. A bill has been found as a home for this language and the committee chair has agreed to hold the bill until the language is finalized.

### GREAT LAKES COMPACT BILL HEADS TO GOVERNOR

Senate Bill 45, the Great Lakes Compact bill, heads to the governor after being approved by the Senate and House. The compact is aimed at protecting the Great Lakes and largely prohibit diverting water from lakes and rivers linking them, which hold nearly 20% of the world's supply of surface fresh water.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=45>

### HOUSE DISCUSSES PROPERTY TAX CAPS

The House Ways and Means Committee continued discussions on Senate Resolution 1 which would amend the state's constitution to cap homeowner tax bills at 1 percent of their home's assessed value, with 2-percent limits on rental property and 3-percent caps on business property. This resolution is part of Governor Mitch Daniels property tax reform plan and passed the Senate. The committee heard concerns from schools and local governments and will likely have additional hearings next week.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&session=1&request=getBill&docno=0001&doctype=SJR>

### SENATE DEBATES PROPERTY TAX REFORM PROPOSAL

The Senate Tax and Fiscal Policy Committee debated the proposed property tax reform proposal that passed the House and is largely Governor Mitch Daniels proposal. The committee took public testimony on House Bill 1001 and will introduce amendments next week before voting on the proposal and sending it to the Senate floor.

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=1001>

## **NEWS**

### **INDY FORECLOSURE RANK IMPROVES**

Indianapolis' foreclosure ranking improved to number 18 last year from sixth place in 2006, an analysis of foreclosure activity in the country's largest 100 metropolitan areas shows. The Detroit area, hit hard by unemployment and a slumping housing market, had the highest foreclosure rate in the nation last year, with several cities in California ranked close behind.

## **KEY LEGISLATION**

### **HB 1129 Archeology (Pierce D-Bloomington)**

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=1129>

Redefines "artifact", and changes the date used in determining whether an object or feature is an artifact. Redefines "burial ground" to include certain historic sites. Redefines "plan" to include a plan for excavation of ground related to construction. Exempts qualified professional archeologists who conduct phase 1a archeological surveys from certain archeological restrictions. Establishes criminal penalties for certain actions that disturb human remains. Requires the department of natural resources (department) to take action on archeology and development plans within 60 days. Requires a person disturbing ground to use reasonable care and diligence to determine if the ground that may be disturbed is within 100 feet of a burial ground. Requires a person who disturbs buried human remains or artifacts to cease disturbing the remains or artifacts and the surrounding area within 100 feet, and makes it a Class A infraction to fail to do so. Includes excavating or covering over the ground a prohibited activity within 100 feet of the limits of a burial ground. Establishes certain requirements for development plans and archeological plans. Applies certain notice requirements to a person who disturbs burial grounds. Requires the department to respond within ten business days after receiving notice of a discovered artifact or burial object. Makes reports concerning the location of historical or archeological sites confidential under some circumstances. Allows certain persons to accompany a conservation officer to investigate a violation of historic preservation and archeology law. Establishes a fund to assist private homeowners who accidentally discover an artifact, a burial object, or human remains and need assistance to comply with an approved archeological or development plan. Allows a court to order restitution for certain costs related to the violation of historic preservation and archeology law. Makes it a Class D felony to possess looted property and a Class C felony if the cost of carrying out an archeological investigation on the site that was damaged to obtain the looted property is more than \$100,000. Provides that a disinterment under a plan approved by the department is exempt from other disinterment procedures. Repeals and relocates the definition of "conservation officer". Makes conforming changes. Makes an appropriation.

### **HB 1269 Employee Classification (Niezgodski D-South Bend)**

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=1269>

Provides that an individual performing services for a contractor is considered to be an employee of the contractor, with certain exceptions. Provides for investigations of the employment

relationship between an individual and a contractor by the department of labor, procedures to be followed for investigations, and for various civil penalties to be assessed by the department of labor for: (1) the failure to properly classify the individual; and (2) retaliation against certain persons. Provides that a contractor or an agent of the contractor that intentionally fails to properly classify an individual as an employee commits a Class C misdemeanor, and that the second or subsequent intentional violation within five years is a Class D felony.

*IBA is opposed to this bill and working to defeat it in the Senate.*

## **NAHB**

### **NAHB NATIONAL GREEN BUILDING PROGRAM BEGINS**

NAHB launched the NAHB National Green Building Program Thursday at the International Builders' Show in Orlando, Florida. The program features an online scoring tool to show builders how to accrue points in various areas for requirements to achieve three levels. The program is based on the NAHB Model Green Home Building Guidelines and expects to unveil the ANSI-certified standard later this year.