

INDIANA BUILDERS ASSOCIATION  
Legislative and Regulatory Report #9  
February 29, 2008

Rick Wajda- (800) 377-6334- [rick@buildindiana.org](mailto:rick@buildindiana.org)  
Gretchen White (800) 377-6334 – [gretchen@buildindiana.org](mailto:gretchen@buildindiana.org)  
Roger Stephens- (800) 377-6334- [rogers@bagi.com](mailto:rogers@bagi.com)

House of Representatives- (800) 382-9842  
Indiana Senate- (800) 382-9467

## **HIGHLIGHTS**

### **CONFERENCE COMMITTEES TO BEGIN**

The deadline has passed for bills to pass out of the opposite chamber and conference committees began today. The committees are comprised of conferees from one member of each caucus and chamber (four total) with additional legislators appointed to serve as advisors. Conference committees are required to hold one public meeting but can hold subsequent meetings without public notice. IBA will be carefully monitoring all legislation during conference committees.

### **MODEL HOME ACT AWAITS CONCURRENCE VOTE IN HOUSE**

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&session=1&request=getBill&docno=1164>

House Bill 1164, the Model Home Act, provides a 50% property tax exemption on the structure of three model or speculative homes per company for up to three years or until sold. After approval from the House and Senate, IBA is working with House Authors' to concur with the amendments added in the Senate and try to send it to the Governor's office for his signature into law.

### **EMPLOYMENT CLASSIFICATION LANGUAGE RETURNS, PASSES HOUSE AGAIN**

<http://www.in.gov/apps/lisa/session/billwatch/billinfo?year=2008&request=getBill&docno=345>

Earlier this session the House passed House Bill 1269, employee classification, which would essentially require independent workers to become employees of the contractor on building jobs. The bill was inserted into SB 345 in the House and is eligible for conference committee.

### **PROPERTY TAX REFORM BILL PASSES, CONFERENCE COMMITTEE MEETS**

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

The Senate passed a version of the Governor's property tax reform proposal this week with a vote of 33-14. Differences between the two versions will now be worked on in conference committee which began discussions today.

## IMMIGRATION BILL

Both the House and Senate have amended language dealing with illegal immigration into separate bills this week and expect a lot of work will be done on the issue during conference committee. IBA will closely monitor and suggest changes to legislators on this issue.

## LEAD BILL BARELY PASSES

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

Senate Bill 143, childhood lead poisoning prevention legislation, barely passed the House Thursday evening with a vote of 51-48. A controversial amendment regarding liability of a manufacturer, importer, or wholesaler of hazardous substances was attached to the bill which will be going to conference committee where additional work will be done on the bill.

## REGISTRY BILL PASSES

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

Senate Bill 257, the state construction registry summer committee, passed the House 98-1 Thursday. IBA supports to bill being sent to study committee and will monitor any changes if the bill is sent to conference committee.

## GREEN BUILDING BILL HEADS TO CONFERENCE COMMITTEE

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

House Bill 1280, originally the green building mandate bill and amended in the Senate to assign it to a summer study committee, passed the Senate 48-0 Wednesday. Both the mandate and summer study committee language is now eligible during conference committee and IBA continues to oppose any mandates in this area.

## PROPERTY TAX CAPS CHANGED

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

Senate Joint Resolution 1 began as a constitutional amendment to make property tax relief permanent based on the assessed value by capping residential property taxes at one-percent, rental property at two-percent, and businesses at three-percent was significantly altered in the House. The House version retains the two and three percent cap for rental and businesses but would require residential caps to be one-percent of a household income, as opposed to the assessed value of their homestead. The Governor has warned that he may call legislators back into special session if property tax relief is not made permanent and the House and Senate will now debate the two proposals during conference committee.

## WEATHER SIRENS

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

Senate Bill 334, the weather sirens legislation, passed the House 97-1 and requires the Indiana Department of Homeland Security to adopt rules establishing standards for severe weather warning sirens. The bill originally required developers to pay for weather sirens through an impact fee for the installation of the sirens and IBA will continue to closely monitor this bill.

## **KEY BILLS OF INTEREST**

### **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.

*Status: The bill has been sent to the Governor for final approval.*

## **NAHB NEWS**

### **NAHB FORECAST**

According to The Seiders' Report released this week, "NAHB's housing forecast now shows a 25% decline in total housing starts for 2008, with the single-family component down by 31% for the year. We still expect starts to begin edging up in the final quarter of this year. Downside risks to our housing forecast for 2008-2009 remain considerable,

largely because of the heavy inventory overhang and the uncertain outlook for house prices, mortgage foreclosures and mortgage credit conditions.”

#### **BUILDERS REMAIN CAUTIOUS AS BUYER TRAFFIC IMPROVES IN FEBRUARY**

Considerably improved traffic of prospective buyers through model homes nudged builder confidence in the market for new single-family homes marginally higher this month, according to the latest NAHB/Wells-Fargo Housing Market Index (HMI), released last week. The HMI rose a single point to 20, remaining close to its recent reading of 18, a historic low for the series since its start in January 1985.