

Legislative Update 05/2021

HB1025 ENTERPRISE ZONE RENEWALS. (PRESSEL J) Provides that an enterprise zone may be renewed for an additional five-year period if the fiscal body of the municipality in which the enterprise zone is located adopts a resolution to renew the enterprise zone. Provides that a zone business located in the renewed enterprise zone may only access the property tax deduction incentive.

HB1090 ALCOHOL MATTERS. (HARRIS JR. E) Removes the requirements that: (1) an oil refinery be located within a municipal lakefront development project; and (2) a municipal lakefront development project must be funded in part with local, state, and federal money. Requires the alcohol and tobacco commission (commission) to provide notice to the city or town council and the mayor's office of the city or town in which a municipal lakefront development is located of certain hearings. Requires the commission to post signs indicating when and where certain hearings will take place.

SB352 BROADBAND DEVELOPMENT. (HOUCHIN E) Requires the office of community and rural affairs (office) to establish a process to be used before each formal submission of applications for grants from the rural broadband fund (fund) in which the office will: (1) invite any prospective grant applicant to submit a letter of intent identifying all addresses and census blocks that the applicant intends to include in a grant application; and (2) make all addresses and census blocks submitted in letters of intent publicly available for a period of time, during which eligible broadband service providers will have the opportunity to challenge a listed address or census block. Provides that challenges under the new process are to be based on the asserted deployment of "minimum broadband Internet" (defined as a terrestrial connection to the Internet that provides an actual speed of at least 25 megabits per second downstream and at least three megabits per second upstream) at a specific address. Specifies that the process established is to precede and remain distinct from the statutory procedures for actual grant applications. Provides that the department of transportation (INDOT) may require a private entity to agree, as a condition of INDOT leasing a right-of-way to the private entity, that facilities constructed or installed by the private entity in or under the right-of-way, which if removed would: (1) cause irreparable soil disturbance; or (2) have a detrimental effect on INDOT's facilities or on the facilities of other utilities; will be considered abandoned without additional consideration, upon the private entity's written notice to INDOT. Provides that upon being abandoned, a facility may no longer be used for any purpose by any public or private entity.

Current Status: 4/21/2021 - Signed by the President Pro Tempore

SB359 BROADBAND PROJECTS. (BALDWIN S) Requires the Indiana department of transportation (INDOT) to create a broadband corridor program (dig once program) to manage the location, installation, and maintenance of communications infrastructure that is used for the provision of broadband services and is located within the rights-of-way of limited access highways. Requires INDOT to adopt policies, procedures, and standards under the dig once program for required installation of fiber conduit by a

public or private entity that performs an excavation within a limited access highway right-of-way.

Current Status: 4/20/2021 - Senate Concurred in House Amendments; Roll Call 456: yeas 45, nays 0

HB 1191, local utility and energy matters, authored by Rep. Jim Pressel (R - Rolling Prairie), prohibits a local unit of government from banning a particular fuel source (natural gas). The bill also bans local units of government from: requiring a particular component, design, or type of material be used in the construction of a building because of their energy saving or energy producing qualities; requiring a building or structure be retrofitted with a particular device or type of material because of their energy saving or energy producing qualities. Also, local units of government would be banned from: prohibiting the use of a particular component, design, or type of material in the construction of a building because they do not meet an energy saving standard.

SB 389, repeals state regulated wetlands law, authored by Sen. Chris Garten (R - Charlestown), eliminates protection for Class I wetlands and significantly reduces protection for Class II. Class I includes over 50% of the remaining state-protected wetlands, and Class II includes about 40%. In 2003, the Legislature recognized the value of preserving the remaining wetlands and wrote the state wetlands law that SB 389 essentially repeals.

Sadly, SB 389 will leave most wetlands in jeopardy. Home builders, developers, and farmers supported the bill because they view the state regulations of wetlands as a burden. IDEM and the Department of Natural Resources (DNR) opposed the bill. According to IDEM, 85% of Indiana's wetlands have already been destroyed and of those remaining, 80% - 90% are state wetlands.

HB 1342, LEED certification of public buildings, authored by Rep. Mike Andrade (D - Munster), requires the office of management and budget to perform a cost benefit analysis to determine the potential overall savings that could be realized if all public buildings constructed after December 31, 2021, were built to attain at least **silver LEED certification** and if all public buildings in existence and use on January 1, 2022, were upgraded to meet at least silver LEED certification standards before January 1, 2024. The bill was assigned to the House Government and Regulatory Reform Committee but did not receive a hearing..