

# **Legislative Update 2017**

**St. Joseph County Bar Association**

**State Representative Ryan Dvorak**

**June 29, 2017**

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## **House Bill 1601 - Certified technology parks - Rep. Todd Huston.**

Requires that a certified technology park be recertified every three years beginning January 1, 2018. (Under current law, a certified technology park is required to be recertified every four years.) Requires the Indiana economic development corporation (IEDC), in conjunction with the office of management and budget (OMB), to develop metrics for measuring the performance of a certified technology park during a review period. Requires the IEDC to consult with local units of government in developing the metrics. Requires the metrics to include: (1) the criteria to be used to analyze and evaluate each category of information furnished by a certified technology park to the IEDC during the course of a review; and (2) a set of minimum threshold requirements for performance to be achieved regarding each category of information. Provides that a certified technology park must meet the minimum threshold requirements for performance set forth in the metrics before it may be recertified. Specifies that the board of the IEDC is the appropriate entity to adopt the metrics used in the performance review of a certified technology park. Requires the IEDC to submit a report that describes the adopted metrics to the legislative council and the interim study committee on fiscal policy before July 1, 2018

## **House Bill 1211 - Transborder water resources authority - Rep. Steven Stemler.**

Establishes the transborder water resources authority (authority) as a body consisting of four members of the general assembly, four ex officio members, and four individuals appointed by the governor. Requires the authority to: (1) study the subject of ownership rights in one or more transborder water resources shared by Indiana and other states; (2) explore the desirability of entering into interstate compacts with other states concerning the mutually fair and prudent use of transborder water resources shared by Indiana and the other states; and (3) make recommendations concerning the content of any such interstate compact. Authorizes the authority to provide a forum for the discussion, study, and evaluation of issues concerning transborder water resources and to facilitate and foster cooperative planning and coordinated management of transborder water resources. Provides that the authority may invite the governor, government officials, or other individuals from a state with which Indiana shares a transborder water resource to: (1) attend the authority's meetings; and (2) advise the authority, upon the authority's request. Requires the authority to report annually on its activities. Provides that the authority expires July 1, 2022.

## **Senate Bill 129 - Construction and construction permits - Sen. Mark Messmer, Sen. Aaron Freeman.**

Amends the law requiring the state department of health to approve or disapprove a construction permit application in not more than 30 days to specify that the law applies to applications for permits for the construction of nonresidential onsite sewage systems. Provides that the construction, acquisition, or leasing of any sewage works by a municipality is initiated by the adoption, by the municipal works board or other appropriate body of the municipality, of a resolution (rather than by the adoption by the municipal legislative body of an ordinance).

## **House Bill 1117 - Performance bond requirements - Rep. Doug Miller.**

Provides that a local governmental unit and a land developer may agree to the partial release of a performance bond or other surety required of the land developer to ensure the completion of certain unfinished improvements and installations in a subdivision on a more frequent basis than an annual basis. (Under current law, a performance bond or other surety may be partially released on an annual basis, which would continue to be permitted.) Provides that a contractor is not required to submit a payment bond for a public works contract of a state educational institution if the amount to be paid under the contract is less than \$500,000 and the state educational institution agrees to waive the requirement. Provides that a contractor is not required to submit a performance bond for a public works contract of a state educational institution if the amount to be paid under the contract is less than \$500,000 and the state educational institution agrees to waive the requirement. Makes a technical change to make language in the statute uniform.

### **House Bill 1295 - Disposal of real property - Rep. Cherrish Pryor.**

Allows the fiscal body of a unit (a county, municipality, or township) to adopt an ordinance (in the case of a county or municipality) or a resolution (in the case of a township) to increase the minimum appraised value of real property for which the fiscal body must approve a sale of the property. (Current law requires the fiscal body to approve a sale of real property if the appraised value is \$50,000 or more.) Allows the fiscal body of a political subdivision to adopt an ordinance (in the case of a county or municipality) or a resolution (in the case of other political subdivisions) to increase the maximum assessed value of real property for which the political subdivision may negotiate a sale of the real property to an abutting landowner instead of having the property appraised and sold by public bidding. (Current law allows a political subdivision to negotiate with the abutting property owner if the assessed value of the real property is less than \$15,000.)

### **House Bill 1431 - Executive sessions and open records - Rep. Philip GiaQuinta.**

Provides that a governing body may admit to an executive session of the governing body an individual who has been elected to the governing body but has not been sworn in as a member of the governing body. Allows a state educational institution to: (1) meet in executive session to discuss certain matters concerning establishment of a collaborative relationship or venture to advance the research, engagement, or education mission of the state educational institution; and (2) withhold records from public disclosure that are created while the negotiations are in progress. Amends the tabulation of a provision regarding negotiations of certain state and local government entities to reflect that all of the listed entities negotiate with industrial, research, or commercial prospects.

### **House Bill 1157 - Small business duplicative reporting - Rep. Doug Miller.**

Requires the Indiana economic development corporation to: (1) develop a means for small business reporting of duplicative state reporting requirements through an Internet web page maintained on the corporation's web site; and (2) annually report the received information to the house of representatives' standing committee responsible for government reduction.

### **House Bill 1369 - Unnecessary, unused law reports - Rep. Milo Smith.**

Requires every state agency to compile and report to the legislative council a list of all state laws administered by the state agency that the state agency considers to be in need of change because the laws are no longer necessary or used.

### **Senate Bill 77 - Regulation of food dispensing micro markets - Sen. Jon Ford, Sen. James Merritt.**

Provides that a retail food establishment that is a micro market is not required to have a person in charge present at the micro market if certain requirements are met.

### **House Bill 1243 - Deregulation of hair braiding - Rep. Timothy Wesco.**

Exempts the act of hair braiding from regulation concerning beauty culture. Specifies techniques and practices that constitute "natural hair braiding". Excludes use of dyes, reactive chemicals, joining agents, and other preparations from the definition of "natural hair braiding". Excludes the act of hair braiding from the definitions for "barbering" and "cosmetology". Provides that the term "esthetician" excludes a person who engages in natural hair braiding. Defines "mechanical devices" as clips, combs, crochet hooks, hair pins, rollers, scissors, blunt-tipped needles, thread, and hair binders.

## **Senate Bill 112 - Hospital police departments - Sen. Dennis Kruse, Sen. Michael Crider.**

Defines "health system". Allows for health systems to establish police departments. Expands the area in which hospital police officers may exercise police powers. Establishes the Indiana health care facilities task force (task force). Requires the task force to: (1) study and review hospital and health facility licensure; (2) study, review, and update the American Institute of Architects guidelines for hospitals and health care facilities; (3) study, review, and update National Fire Protection Association standards for hospitals and health care facilities; and (4) submit an electronic report to the governor and the legislative council setting forth the task force's findings not later than August 31, 2018.

## **Senate Bill 558 - Leases and sales of real property - Sen. Travis Holdman, Sen. James Buck.**

Amends the statute concerning landlord and tenant relations to provide that a unit may not regulate rental rates for privately owned real property, through a zoning ordinance or otherwise, unless the regulation is authorized by an act of the general assembly. (Current law provides that regulation of rental rates for such property must be authorized by an act of the general assembly.) Prohibits a political subdivision from imposing certain penalties against a tenant, an owner, or a landlord for a contact made to request law enforcement or other emergency assistance for one or more rental units if: (1) the contact is made by or on behalf of: (A) a victim or potential victim of abuse; (B) a victim or potential victim of a crime; or (C) an individual in an emergency; and (2) certain conditions apply. Specifies that a political subdivision is not prohibited from adopting an ordinance, a rule, or a regulation to impose a penalty for a request for law enforcement or other emergency assistance if the request is not made by or on behalf of: (1) a victim or potential victim of abuse; (2) a victim or potential victim of a crime; or (3) an individual in an emergency. Provides that if a political subdivision: (1) imposes a penalty under any such authorized ordinance, rule, or regulation; and (2) the prohibited request for law enforcement is made by a tenant in a rental unit; the penalty imposed must be assessed against the tenant and not against the landlord or owner of the rental unit. Provides that any such penalty may not exceed \$250. Provides that a housing authority retains the ability to enforce rights and remedies established by contract or federal law. Provides that a city, county, or town attorney retains the ability to bring a nuisance action against a landlord or the owner of a rental unit in certain instances. Provides that a county or municipality may not adopt or enforce any land use or planning ordinance or regulation that has the effect of: (1) controlling rental or purchase price; or (2) requiring real property to be reserved for lease or sale to certain owners. Provides that a county or municipality may not require the owner of privately owned real property to agree to: (1) any requirement that would have the effect of controlling rental or purchase price; or (2) the payment of a fee, in lieu of a requirement that would have the effect of controlling rental or purchase price, as a prerequisite to consideration or approval of: (A) certain permits; or (B) any primary, secondary, or revised plats. Provides that a county or municipality retains the right to: (1) manage and control the development of a commercial or residential property in which the county or municipality has an ownership interest; and (2) enact, enforce, or maintain any general land use or zoning regulation that does not have the effect of: (A) controlling rental or purchase price; or (B) requiring real property to be reserved for sale or lease to certain owners. Allows an owner of privately owned real property to voluntarily enter into an agreement with a county or municipality that: (1) controls rental or purchase price; or (2) requires real property to be reserved for sale or lease to certain owners; in exchange for incentives or grants.

## **Senate Bill 348 - Regulation of signs - Sen. Aaron Freeman, Sen. John Ruckelshaus, Sen. Jack Sandlin.**

Provides that an ordinance or a regulation of a political subdivision relating to the number or size of signs is unenforceable beginning 60 days before an election and ending at the beginning of the sixth day after the election. Provides that for purposes of the statute, a "sign" refers to a sign, the surface area of which is not greater than 32 square feet. (Provides that the measurement of the surface area of a sign that has two faces is determined by measuring the surface area of only one of the faces if the faces are mounted back to back and the measure of the angle between the faces is not more than 15 degrees.) Provides that the statute does not prohibit a political subdivision from enforcing an ordinance or regulation relating to the number or size of signs at any time if necessary to ensure public safety.

Provides that a zoning ordinance relating to signs is considered to contain a provision that permits the substitution of the copy on a sign regardless of whether the original and new copy is commercial or noncommercial.

### **Senate Bill 478 - Utility easements - Sen. Eric Koch, Sen. James Merritt.**

Establishes a framework for resolving disputes between electricity suppliers and property owners regarding the attachment or installation of communications infrastructure within an electric easement. Provides that the procedures apply only to an electricity supplier that is a rural electric membership corporation. Provides specified exemptions from the procedures. Specifies that the bill's provisions provide the exclusive remedy to a property owner with respect to the attachment or installation of communications infrastructure on above ground electric facilities within an electric easement. Specifies that the bill's provisions do not provide the exclusive remedy to a property owner if the terms of: (1) the electric easement; or (2) any contractual or other agreement between the property owner and the electricity supplier; provide otherwise. Requires an electricity supplier that: (1) installs new communications infrastructure; or (2) makes capacity available for communications service through existing communications infrastructure; within an electric easement to provide written notice by first class mail to the owner of the affected property. Sets forth the required contents of the notice, including a written plan for making broadband Internet service available within the electricity supplier's electric service territory. Specifies that the failure of an electricity supplier to take any action described in, or related to, the plan does not create any liability with respect to the electricity supplier. Requires an electricity supplier to include provisions in a communications service member agreement, customer agreement, or other similar agreement to notify property owners who subscribe to communications service from the electricity supplier that by signing the agreement, the property owner consents to the expansion of the electric easement to include the attachment or installation of communications infrastructure. Provides that a property owner may bring a cause of action against an electricity supplier for damages for a decrease in value of the property owner's real property caused by the attachment or installation of communications infrastructure, not later than two years from the later of: (1) July 1, 2017; or (2) the date upon which the required notice is delivered to the property owner. Provides that to prove damages for the decrease in value of the property owner's real property, the property owner shall provide the electricity supplier with an appraisal comparing the value of the property before and after the attachment or installation of communications infrastructure within the easement. Provides that an appraisal obtained by a property owner to prove damages relating to the decrease in the value of the property owner's real property caused by the attachment or installation of communications infrastructure must take into account any increase in value to the property resulting from the availability of broadband Internet service provided through the communications infrastructure. Provides that the acceptance by a property owner of an electricity supplier's payment for damages operates to modify the electric easement to allow for the installation, servicing, maintenance, and use of communications infrastructure within the easement. Provides that when installing, inspecting, or maintaining communications infrastructure within an electric easement involving land on which a manufacturing facility is located, an electricity supplier shall make a reasonable, good faith effort to notify the property owner. Requires an electricity supplier to comply with all applicable rules and standards included in the National Electric Safety Code most recently adopted by the state. Requires an electricity supplier that uses the procedures set forth in the bill to: (1) form a separate legal entity; or (2) maintain a separate accounting system; with respect to the provision of broadband Internet service made available by the electricity supplier, alone or with one or more other legal entities, within all or part of the electricity supplier's electric service territory. Provides that the entity providing broadband Internet service shall cause to be performed an annual audit of the entity's financial records concerning only the provision of broadband Internet service by the entity. Urges the legislative council to assign to the interim study committee on energy, utilities, and telecommunications the topic of rental rates and other fees for the attachment of communications service facilities on utility poles owned or controlled by electricity suppliers.

## **Senate Bill 213 - Wireless support structures - Sen. Brandt Hershman, Sen. James Merritt.**

Makes the following changes to the statute concerning the local permitting of wireless support structures: (1) Amends the definition of "small cell facility" to: (A) increase the maximum specified antenna volume from three cubic feet to six cubic feet per antenna; (B) eliminate the maximum specified total volume for all antennas; and (C) increase the maximum specified primary equipment enclosure volume from 17 cubic feet to 28 cubic feet. (2) Amends the definition of "utility pole" to: (A) mean a structure that is designed or used for certain specified purposes (versus existing statutory language defining the term to mean a structure that is designed and used for those specified purposes); and (B) include structures designed or used to provide traffic control or signage. (3) Amends the definition of "wireless support structure" to include structures that are capable of supporting (in addition to those designed to support) wireless facilities. (4) Defines the following terms: (A) "Communications service provider". (B) "Micro wireless facility". (C) "Wireless communications service". (5) Prohibits a permit authority from requiring an application or a permit for, or charging fees for: (A) the routine maintenance of wireless facilities; (B) the replacement of wireless facilities with others that are: (i) substantially similar to; or (ii) the same size or smaller than; those being replaced; or (C) the installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes. (6) Provides that with respect to the construction, placement, or use of small cell facilities and associated supporting structures, a permit authority may prohibit the placement of a new utility pole or wireless support structure in a right-of-way within an area that is designated before May 1, 2017, strictly for underground or buried utilities, if certain conditions are met. (7) Requires a permit authority to allow a neighborhood association or homeowners association to register with the permit authority to receive notice by United States mail of any application filed with the permit authority for the construction, placement, or use of a small cell facility on one or more new utility poles or one or more new wireless support structures in an area within the jurisdiction of the neighborhood association or homeowners association. (8) Provides that with respect to the permitting of small cell facilities and associated supporting structures within: (A) a historic preservation district; (B) a historic preservation area; or (C) an area within the jurisdiction of the Meridian Street preservation commission; a permit authority may apply any generally applicable procedures that require applicants to obtain a certificate of appropriateness. (9) Specifies that an applicant for the placement of a small cell facility and an associated supporting structure shall comply with applicable Federal Communications Commission (FCC) requirements and industry standards for identifying the owner's name and contact information. (10) Provides that the placement of a small cell facility and an associated supporting structure in the public right-of-way is considered a permitted use and is exempt from local zoning review if the height of the supporting structure does not exceed the greater of: (A) 50 feet measured from grade; or (B) the height of any utility pole in place on July 1, 2017, and within 500 feet of the proposed small cell facility, plus 10 feet. (11) Sets forth limits for application fees for a permit for the construction, placement, or use of small cell facilities. (12) Allows a permit authority to propose, as an alternative location for a proposed small cell facility at a location where a supporting structure does not exist, that the small cell facility be collocated on an existing utility pole or wireless support structure if the existing utility pole or wireless support structure is located within 50 feet of the location proposed in the application. (13) Provides that for an application for the construction, placement, or use of a small cell facility and the associated supporting structure, a permit authority has 60 days to approve or deny the application but shall otherwise follow the application procedures that apply to collocation permit applications under the statute. (14) Prohibits a permit authority from taking certain specified actions with respect to the construction, placement, or use of small cell facilities and the associated supporting structures. (15) Specifies that a permit authority is not prohibited from applying a reasonable and generally applicable safety regulation to the construction, placement, or use of small cell facilities and associated supporting structures in the public right-of-way. (16) With respect to the construction, placement, or use of small cell facilities on a utility pole owned or controlled by a governmental unit, sets forth certain requirements with which the unit must comply and certain actions that the unit is prohibited from taking, including a prohibition against the unit or a utility owned by the unit imposing a rental or other recurring fee for small cell facilities that are strung or located between utility poles if one or more of the utility poles has an associated attachment for which a rental rate is charged. (17) Provides that a unit may impose additional terms and conditions for the construction, placement, or use of small cell facilities on utility poles owned or controlled by the unit if the terms and conditions are: (A) consistent with the bill's requirements; (B) reasonable; (C) nondiscriminatory; and (D) generally applicable. (18) Specifies that the bill's provisions do not: (A) authorize the collocation of small cell facilities on privately owned utility poles, wireless support

structures, or property without the consent of the property owner; (B) affect the duty of an entity seeking to place a small cell facility on a utility pole or wireless support structure owned, controlled, or operated by a public utility to obtain from the utility any necessary authority for the placement; or (C) affect the authority of a public utility that owns, controls, or operates a utility pole or wireless support structure with respect to the use of or attachment to the utility pole or wireless support structure, consistent with federal law and FCC decisions and rules.

### **Senate Bill 309 - Distributed generation - Sen. Brandt Hershman, Sen. James Merritt.**

Requires: (1) the utility regulatory commission (IURC) to post a summary of the results of the IURC's most recent periodic review of the basic rates and charges of an electricity supplier on the IURC's Internet web site; and (2) the electricity supplier subject to the review to provide a link on the electricity supplier's Internet web site to the IURC's posted summary. Amends the statute concerning alternate energy production, cogeneration, and small hydro facilities to: (1) include in the definition of a "private generation project" certain cogeneration facilities that: (A) are located on the same site as the host operation; or (B) are located on or contiguous to the site of the host operation and are directly integrated with the host operation; and (2) include organic waste biomass facilities within the definition of an "alternative energy production facility". Specifies that an electric utility or a steam utility is not required to distribute, transmit, deliver, or wheel electricity from a private generation project. Requires the IURC to: (1) review the rates charged by electric utilities for backup power to eligible facilities and for purchases of power from eligible facilities; (2) identify the extent to which the rates meet specified criteria; and (3) report the IURC's findings to the interim study committee on energy, utilities, and telecommunications; not later than November 1, 2018. Provides that before granting to an electricity supplier that is a public utility a certificate of public convenience and necessity for the construction of an electric facility with a generating capacity of more than 80 megawatts, the utility regulatory commission (IURC) must find that the electricity supplier allowed or will allow third parties to submit firm and binding bids for the construction of the proposed facility. Provides that a public utility that: (1) installs a wind, a solar, or an organic waste biomass project with a nameplate capacity of not more than 50,000 kilowatts; and (2) uses for the project a contractor that is: (A) subject to Indiana unemployment taxes; and (B) selected by the public utility through a competitive procurement process; is not required to obtain a certificate of public convenience and necessity for the project from the IURC. Provides that a net metering tariff of an electricity supplier (other than a municipally owned utility or a rural electric membership corporation) must remain available to the electricity supplier's customers until: (1) the aggregate amount of net metering facility nameplate capacity under the tariff equals at least 1.5% of the electricity supplier's most recent summer peak load; or (2) July 1, 2022; whichever occurs earlier. Requires the IURC to amend its net metering rule, and an electricity supplier to amend its net metering tariff, to: (1) increase the limit on the aggregate amount of net metering capacity under the tariff to 1.5% of the electricity supplier's most recent summer peak load; and (2) reserve 40% of the capacity under the tariff for residential customers and 15% of the capacity for customers that install an organic waste biomass facility. Provides that a customer that installs a net metering facility on the customer's premises after December 31, 2017, and before the date on which the net metering tariff of the customer's electricity supplier terminates under the bill, shall continue to be served under the net metering tariff until: (1) the customer removes from the customer's premises or replaces the net metering facility; or (2) July 1, 2032; whichever occurs earlier. Provides that a successor in interest to the premises on which a net metering facility was installed during the applicable period may, if the successor in interest chooses, be served under the terms and conditions of the net metering tariff of the electricity supplier serving the premises until: (1) the net metering facility is removed from the premises or is replaced; or (2) July 1, 2032; whichever occurs earlier. Provides that a customer that installs a net metering facility on the customer's premises before January 1, 2018, and that is participating in an electricity supplier's net metering tariff on December 31, 2017, shall continue to be served under the terms and conditions of the net metering tariff until: (1) the customer removes from the customer's premises or replaces the net metering facility; or (2) July 1, 2047; whichever occurs earlier. Provides that a successor in interest to the premises on which a net metering facility was installed before January 1, 2018, may, if the successor in interest chooses, be served under the terms and conditions of the net metering tariff of the electricity supplier serving the premises until: (1) the net metering facility is removed from the premises or is replaced; or (2) July 1, 2047; whichever occurs earlier. Provides that an electricity supplier shall procure only the excess distributed generation produced by a customer. Provides that the rate for excess distributed generation procured by an electricity supplier must equal the product of: (1) the average marginal price of electricity paid by the electricity supplier

during the most recent calendar year; multiplied by (2) 1.25. Provides that an electricity supplier shall compensate a customer for excess distributed generation through a credit on the customer's monthly bill. Provides that the IURC may approve an electricity supplier's request to recover energy delivery costs from customers producing distributed generation if the IURC finds that the request: (1) is reasonable; and (2) does not result in a double recovery of energy delivery costs from customers producing distributed generation. Urges the legislative council to assign to the interim study committee on energy, utilities, and telecommunications the topic of self-generation of electricity by school corporations.

### **House Bill 1138 – Cannabidiol and treatment resistant epilepsy – Rep. William Friend.**

Defines "cannabidiol" and "substance containing cannabidiol" and establishes a cannabidiol registry for certain persons for the use of a substance containing cannabidiol in the treatment of an individual with treatment resistant epilepsy. Requires the state department of health to maintain the registry. Provides that the offense of possession of paraphernalia applies to the possession of certain items used in connection with lawfully possessed cannabidiol. Establishes defenses to: (1) possession of marijuana; and (2) an allegation that a person has violated a condition of supervised release; if the charge or violation is based on the use of a substance containing cannabidiol.

### **House Bill 1496 – Alcohol Matters – Rep. Ben Smaltz.**

Provides that after May 14, 2017, a restaurant may not sell carryout unless at least 60% of its gross retail income from alcoholic beverage sales is derived from sales of alcoholic beverages consumed on the premises. Makes the following exceptions to the gross retail income requirements for sale of carryout: (1) Exempts retailer's permits issued to a city market, marina, state park, golf course, hotel, resort hotel, social or fraternal club, or restaurant operated by a microbrewer. (2) Provides that a restaurant initially issued or transferred a retailer's permit before November 1, 2016, is not required to comply with the gross retail income requirements to sell carryout unless the permit is transferred to another location. (3) Provides that a restaurant initially issued or transferred a retailer's permit after October 31, 2016, and before May 14, 2017: (A) is not required to comply with the gross retail income requirements until renewing the permit or transferring the permit to another owner or location; and (B) upon a showing of good cause, may be issued permit extensions that may not extend past April 1, 2018. Provides that any new retailer's permits for restaurants issued after May 14, 2017, must comply with the gross retail income requirements in order to sell carryout. Provides that an applicant for an artisan distiller's permit must hold a farm winery, brewer's, or distiller's permit for 18 months (instead of three years) before the date of the application. Allows a farm winery, brewery, and distillery to occupy the same tent or structure at a trade show or exposition. Allows a small brewer, farm winery, or artisan distiller to employ a minor who is a family member in a capacity that does not involve the sale or serving of alcoholic beverages. Allows a minor to be on the premises of a farm winery or an artisan distillery under certain circumstances. Allows an artisan distiller to store liquor manufactured by the artisan distiller at a facility within 10 miles of the artisan distiller's distillery, if allowed by federal law. Prohibits the ATC from issuing a new alcoholic beverage permit if the applicant has unpaid taxes. Changes the definition of "banquet or gathering space" to include a contiguous area of the licensed premises. Allows a holder of a retailer's permit issued for the premises of a hotel or restaurant that has a banquet or gathering space to temporarily amend the floor plans of the licensed premises to use the banquet or gathering space to securely store alcoholic beverages at the preferred temperature, and requires the ATC to approve amended floor plans that are consistent with the provision. Expresses the intent of the general assembly that the ATC use the "character of the business test" when considering whether to grant or renew certain retailer's permits that would allow the sale of alcoholic beverages for carryout, including cold beer. Increases, from four days to seven days, the number of days in a calendar month that may be designated as guest days by the holder of a club permit for alcoholic beverages. Defines "entertainment", "gift", and "professional and educational expenses", and specifies that certain prohibitions that apply to alcoholic beverage permittees concerning gifts do not apply to entertainment or professional and educational expenses. Defines "advertising specialty" and "consumer advertising specialty", and voids certain rules of the ATC that relate to advertising specialties and consumer advertising specialties.

## **House Bill 1144 – South Shore rail transit – Rep. Hal Slager.**

Establishes a rail transit corridor in northwest Indiana. Specifies that the main line double tracking project and the West Lake corridor improvement project are considered rail projects. Permits the northwest Indiana regional development authority (NWIRDA) to establish transit development districts containing a train station or regular train stop within the corridor, including new stations or stops along the West Lake corridor. Provides that a county that is not a member of the NWIRDA may participate in the rail projects and the benefits of a transportation development district under certain conditions. Allows such a county to participate by becoming an associate member or through a cash payment option. Requires the NWIRDA to do a pre-financing verification of a nonmember county desiring to participate. Permits a county that is a member of a commuter transportation district to use money in its major bridge fund to: (1) make grants to a commuter transportation system for the benefit of the commuter transportation system; (2) make debt service payments for revenue bonds issued for a rail project of the commuter transportation system; and (3) make grants to the NWIRDA for the benefit of a commuter transportation system, if the NWIRDA has issued bonds for a rail project of the commuter transportation system. Provides that the intercept provisions also apply to a nonmember county participating in the NWIRDA rail project and that notice be given to the treasurer of state and the NWIRDA of a default in order to initiate an intercept. Requires the department of state revenue to annually certify the amount of incremental tax revenues from a district (state income tax, state sales tax, and local income tax), including the extent to which the incremental state income and sales taxes from all districts exceed the sum of the amounts previously appropriated by the general assembly to the development authority for rail projects (including any amounts appropriated for debt service payments made by the Indiana finance authority for a rail project). Provides that the incremental local income tax revenues and incremental local property tax revenues from a district are to be distributed to the NWIRDA in the case of a member county and to the redevelopment commission where the district is located in the case of a cash participant county. Requires incremental revenue to be deposited into a new fund named the south shore improvement and development fund. Requires a separate account in the fund for each district. Specifies that the incremental local income tax revenues and incremental local property tax revenues from a district must be used to provide funding, including financing, for development projects only within that district. Provides for a district steering committee regarding districts located in a NWIRDA member county. Permits Lake County to use local income tax revenue to make its annual transfers to the NWIRDA and to make its local match for grants from the NWIRDA. Permits LaPorte County and Michigan City to become members of the NWIRDA without making contributions covering any time before January 1, 2017.