

## Surveyors Bill Track

### **HB1037 Officeholder qualifications. (Saunders)**

Prohibits a county, city, or town employee from being a candidate for or serving on the legislative or fiscal body of the county, city, or town that employs the employee. Allows a county, city, or town employee serving on a fiscal or legislative body on July 1, 2010, to serve the remainder of the member's term.

### **HB1040 Lake management work group. (Dembowski)**

Lake management work group. Extends the final report date and expiration date of the lake management work group from July 1, 2010, to July 1, 2012.

### **HB1075 Public access issues. (Stilwell, Gard, Miller, Mrvan)**

Requires a public agency to: (1) allow inspection or copying; or (2) make copies; of a public record within a reasonable time after the request is received by the agency. Provides that the court may impose a civil penalty against: (1) an officer of a public agency or an individual employed in a management level position with a public agency; or (2) the public agency; for violating the public records law or the open door law. Provides that the court may impose a civil penalty of: (1) not more than \$100 for the first violation; and (2) not more than \$500 for any additional violations. Provides that a court may: (1) impose only one civil penalty against an individual in an action even if the court finds that the individual committed multiple violations; and (2) impose another civil penalty against an individual in a separate action. Provides that if an officer of a state or local government agency orders a management level employee to: (1) not give proper notice of a public meeting or executive session; or (2) deny or interfere with a person's request to inspect or copy a public document; the employee is not subject to a civil penalty for violating the statute. Provides that if a local government agency has the capacity to send electronic mail, the agency shall provide notice to anyone (other than news media) that makes an annual request for notice by: (1) transmitting the notice by electronic mail; or (2) posting the notice on the agency's Internet web site (if the agency has an Internet web site). Provides that a court may not declare a governmental action void for failure to give notice by electronic mail or posting on the local government agency's web site, if the agency made a good faith effort to comply with the statute. Provides that a public agency may withhold personal information from public disclosure regarding an individual less than 18 years of age who participates in an activity conducted or supervised by a state educational institution, including personal information regarding the individual's parent or guardian. Requires (rather than allows) a court to review public records in camera to determine whether redaction of the records violates the public records act. If a formal complaint is filed, requires the public access counselor to review public records in camera without redaction (excluding redacted information that is the work product of an attorney and records that the agency is prohibited by law from disclosing) to determine whether the redaction of the records violated the access to public records act. Provides that unredacted documents that are in the possession of the public access counselor for in camera inspection are confidential while in the possession of the public access counselor. Creates an education fund for a program administered by the public access counselor to train public officials and educate the public on the rights of

the public and the responsibilities of public agencies under the public access laws. Provides that a public agency has the discretion whether to disclose a public record requested by an offender containing personal information relating to a judge, law enforcement officer, or family member of a judge or law enforcement officer.

**HB1101 Management of small lakes. (Dodge)**

Reduces from ten acres to five acres the size of a lake for which certain laws restrict projects that will or are likely to lower the water level of the lake. Reduces from 20 acres to five acres the size of a lake that is subject to the prohibition against lowering the water level of a lake more than 12 inches below the high water mark established by a dam or other artificial device creating the lake.

**HB1137 Recall of elected and appointed officials. (Stevenson)**

Establishes a procedure for the recall of a person who holds a state, legislative, local, or school board office (other than a justice, judge, or prosecuting attorney) or who is appointed to an office of the state or a political subdivision. Requires that a recall petition must be signed by at least 10% of the registered voters in the jurisdiction served by the official (or at least 10% of the total vote in the last election for secretary of state if the official holds an elected state office). Removes an officeholder if: (1) at least 60% of the votes cast; or (2) a majority of the registered voters in the election district; vote for the recall. Specifies that a commissioner of a police and fire merit commission may be removed by the recall procedure under current law.

**HB1170 Review and reorganization of county government. (Culver)**

Provides that, in 2011 and every 10 years thereafter, each county must enter into a contract with an independent person to conduct an efficiency review of the county's government. Specifies certain issues that must be addressed in the efficiency review. Provides that a county may contract with a person to conduct the efficiency review only if the person has been certified by the state board of accounts. Specifies that an efficiency review report submitted to a county may include recommendations regarding the issues studied as part of the efficiency review. Provides that the voters of the county may initiate a public question on one or more of the recommendations by submitting a petition signed by at least 2% of the voters of the county. Provides that, if a recommendation is approved in a public question, the county shall implement the recommendation. Requires the state board of accounts to develop the contract provisions (other than cost and payment provisions) that must be used by a county in addressing the issues that are required to be included in an efficiency review. Provides that a county may add provisions to the contract to address additional issues.

**HB1200 Flood plain disclosure requirements. (M. Smith)**

Removes the inclusion of basements from rental structures that are required to be disclosed as being in a flood plain.

**HB1201 Drainage. (M. Smith)**

Provides that, regarding removal of obstructions and right of entry, the county drainage board and the county surveyor have the same authority with respect to artificial

watercourses as with respect to drains and natural watercourses. Provides that a county's policy for the management of storm water runoff from developed real property must designate the county surveyor's office as the office to which storm water issues are initially directed.

**HB1232 Removal of logjams in floodways. (Dermody)**

Provides that a permit is not required to remove a logjam or mass of wood debris that has accumulated in a river or stream.

**HB1244 - Sales tax exemption for drainage equipment. (Gutwein)**

Provides that a component of a farm drainage system is exempt from sales tax if a farmer acquires the component. Provides that equipment designed specifically to install, repair, or maintain a farm drainage system is exempt from sales tax if the equipment is acquired by a farmer or a person in the business of installing, repairing, or maintaining farm drainage systems.

**HB1322 State and local government ethics. (VanDenburgh)**

Reduces from \$100 to \$50 the minimum reportable amount for gifts made to state officers, employees, and special appointees on their financial disclosure statements. Requires these financial disclosure statements to be published on the state's Internet web site. Provides that a state employee or a special state appointee may not be required to make a political contribution, solicit political contributions, or participate in any other political activity. Provides that a state officer, employee, or a special state appointee may not solicit a political contribution or engage in any other political activity in a facility owned or leased by the state. Requires local officers, candidates for local offices, employees of political subdivisions, and local special appointees to file statements of economic interests that include a report of gifts given by vendors. Requires persons who make offers for contracts with political subdivisions to register with the county and to file certain reports. Requires registration and reports to be published on the county's Internet web site. Provides that an employee of a political subdivision or an appointee of a political subdivision may not be required to make a political contribution, solicit political contributions, or participate in any other political activity. Provides that a local officer, employee, or appointee may not solicit a political contribution or engage in any other political activity in a facility owned or leased by the political subdivision. Authorizes the state board of accounts to impose certain civil penalties for violations of the local ethics statute. Makes technical amendments.

**HB1340 Government ethics. (Koch)**

Authorizes a political subdivision to adopt an ordinance relating to the ethics of the officials, former officials, employees, former employees, appointees, and former appointees of the political subdivision. Provides that the ordinance may exceed the standards of the statute. Requires the ordinance to establish an ethics commission with powers to enforce the ordinance. Provides that the statute does not supersede an ethics ordinance adopted by a political subdivision before July 1, 2010, to the extent that the ordinance is not inconsistent with the statute. Requires the registration as lobbyists of individuals who act or communicate to promote, delay, oppose, or otherwise influence an

action of an agency of a political subdivision. Requires local lobbyists to file annual reports. Authorizes the imposition of lobbyist registration fees. Provides that a local lobbyist may not give a gift of cash to an official, employee, or appointee of the political subdivision.

**SB0092 Land surveyors. (Boots, Grubb)**

Allows a licensed land surveyor to enter any land or property within Indiana to conduct a survey. Provides procedures for notifying a landowner and makes a surveyor liable for damage caused by the entry.

**SB0188 Qualification of public works professionals. (Boots)**

Requires state agencies and a political subdivision to comply with certain procedures when acquiring the services of architects, engineers, and land surveyors. (Under current law, the procedures are not mandatory and do not apply to a state agency.)

**SB0191 Annexation remonstrance waivers. (Buck, Delph)**

Provides that a waiver or release of the right of remonstrance against annexation effective after June 30, 2010, expires ten years after the date the waiver or release is executed.

**SB0210 Local officer impeachment; county contractor claim. (Gard)**

Restates and amends the procedure for impeaching a local officer who has: (1) charged and collected illegal fees for services rendered or to be rendered by the local officer; (2) refused to perform or knowingly violated state law in connection with the performance of official duties pertaining to the local officer's office; or (3) for a local officer who is the executive of a township, failed to perform certain duties. Provides for an expedited hearing of a taxpayer's contest of a claim filed in a circuit court by a contractor employed by the county executive. Removes a provision that provides that a member of the county executive who recklessly employs a county contractor or fails to file the contractor's contract with the circuit court commits a Class C misdemeanor and forfeits the executive's office. Repeals a provision concerning the impeachment of a local officer.

**SB0217 Accrual accounting for political subdivisions. (Delph)**

Requires local units of government to use a full accrual method of budgeting, accounting, and financial reporting.

**SB0241 Local government issues. (Lawson)**

Local government issues. Provides that in counties other than Marion County, the county legislative body may adopt an ordinance providing that the voters of the county shall elect a single county chief executive officer to serve as the county executive and a county council that has the legislative and fiscal powers and duties of the county. Provides that such an ordinance to change the structure of county government may be adopted only during an odd-numbered year or before July 1 of an even-numbered year. Specifies that an ordinance providing for a single elected county executive officer must be approved by: (1) a unanimous vote of all the elected members of the county legislative body, in the case of a county legislative body with not more than three members; or (2) a vote of at least two-thirds of all the elected members of the county legislative body, in the case of a

county legislative body with more than three members. Provides that in a county with a single county chief executive officer: (1) the initial county chief executive officer is elected in the second general election after the ordinance to change the structure of county government is approved; (2) the board of county commissioners is abolished; and (3) the membership of the county council continues under existing law.

Places city offices on the primary and general election ballots before (rather than after) township offices. Provides that an employee of a political subdivision is considered to have resigned from employment with the political subdivision if the employee assumes the elected executive office of the political subdivision or becomes an elected member of the political subdivision's legislative or fiscal body. Specifies that the restriction applies to an employee of a political subdivision who assumes an elected office after June 30, 2010, but provides that the restriction does not apply to an employee of a political subdivision who holds elective office on June 30, 2010, as long as the individual continues to hold or be reelected to that office. Provides that the restriction does not prohibit an employee of a political subdivision from holding an elected office of a political subdivision other than the political subdivision that employs the government employee. Prohibits a relative of an officer or employee of a political subdivision from being employed by the political subdivision in a position that would put the relative in a direct supervisory or subordinate relationship with the officer or employee. Specifies that an employee of a political subdivision is not required by these provisions to be terminated or reassigned from any position held by that individual before July 1, 2010, but provides that this grandfathering provision expires January 1, 2015. Provides that a political subdivision may not enter into or renew certain contracts. Provides for the adjustment of maximum property tax levies after the consolidation of fire departments in Marion County. Provides that the property tax levy limits do not apply to property taxes imposed by the consolidated city to pay indebtedness assumed or paid under a consolidation of fire departments in Marion County. Specifies that not more than four years after the consolidation of a fire department in Marion County, the consolidated city may levy a tax above the tax rate set for the consolidated fire department in the township as necessary to phase out that township's borrowing for fire and emergency services and any other emergency or temporary loans by the township for fire and emergency services. Requires constables and deputy constables to file an annual statement of economic interests with the commission on judicial qualifications. Provides that a building authority in Marion County must submit its operating and maintenance budget and tax levy to the city-county council for approval. Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Provides that an electronic poll list must be programmed so that access to the list requires the coordinated action of two precinct election officials who are not members of the same political party. Allows an electronic poll list used at a vote center to include an electronic image of the voter's signature, if available. Authorizes a precinct election board administering an election at a vote center to report the vote

totals by precinct on election night. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. Provides that school board members selected by election must be elected at general elections beginning in 2010. Repeals the expiration date of the vote center program and provisions that: (1) require the secretary of state's approval of the vote center designation; and (2) allow the secretary of state to revoke the vote center designation. Repeals other obsolete and superseded statutes

**SB0282 Storm water management. (Charbonneau)**

Grants authority to the drainage board to receive complaints concerning, investigate, and order the removal of certain storm water related nuisances. Provides that, regarding removal of nuisances and obstructions and right of entry, the county drainage board and the county surveyor have the same authority with respect to artificial watercourses as with respect to drains and natural watercourses. Provides that a county's policy for the management of storm water runoff from developed real property must designate the county surveyor's office as the office to which storm water issues are initially directed.

**SB0356 Professional licensing. (Delph)**

Allows a criminal history check for employees of home health agencies and personal services agencies to be provided through a private agency. Removes the July 1, 2010, expiration that allows limited criminal histories to be used for employees of home health agencies and personal services agencies. Establishes a uniform procedure to allow a board of a regulated occupation to issue a cease and desist order to an unlicensed person who engages in an activity that requires a license. Repeals and makes conforming changes concerning cease and desist and injunction orders. Merges and changes membership on the cosmetology and barber boards. Relocates barber statutes. Establishes a mental health counselor associate license. Eliminates the controlled substances advisory committee and transfers responsibilities to the Indiana board of pharmacy. Provides for automatic revocation of controlled substances permit if a physician's license is revoked. (Current law requires a separate administrative process to take place if physician's license is revoked.) Requires the Indiana scheduled prescription electronic collection and tracking program's (INSPECT) data base to include information on a controlled substance recipient's method of payment for the controlled substance dispensed. Allows INSPECT information to be released to the following: (1) state toxicologist; (2) the Medicaid retrospective and prospective drug utilization review program; and (3) a substance abuse assistance program for certain licensed health care providers. Provides criminal and civil immunity for a practitioner who in good faith provides information to a law enforcement agency based on a report from INSPECT. Requires certain boards to establish prescribing norms and dispensing guidelines for the unsolicited dissemination of INSPECT exception reports to certain persons. Repeals laws concerning the certification of environmental health specialists and licensure of hypnotists. Makes conforming changes.