

INCMA Report / Run Time: Friday, Feb-17-2012, 01:28 PM

P **HB1001** *Employee's right to work.* ([Torr](#), [Yoder](#))
Position: Support

Digest

Makes it a Class A misdemeanor to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Provides that the Indiana department of labor may investigate and issue administrative orders for violations or threatened violations. Establishes a separate private right of action for violations or threatened violations. Provides that the statute does not apply to federal employees, employees subject to certain federal laws, certain employees over whom the federal government has jurisdiction, state employees, and employees of a political subdivision. Provides that the statute does not apply to the extent it is in conflict with or preempted by federal law. Provides that the statute is not intended, and should not be construed, to change or affect any other law concerning collective bargaining or collective bargaining agreements in the building and construction industry.

<u>Date</u>	<u>Action</u>
02/01/2012	H: Signed By the Speaker
02/01/2012	Governor Signed
02/16/2012	S: Signed By the President Pro Tem

HB1002 *Eliminate commissions, boards, and committees.* ([Wolkins](#), [Landske](#), [Lawson](#))

Digest

Reenacts the public officers compensation advisory commission that was repealed in 2011. Decreases the membership of the Indiana war memorials commission from ten to nine members with one member from each congressional district. Consolidates duplicative reporting required for the Indiana economic development corporation (IEDC). Consolidates reporting requirements imposed on the IEDC for various programs administered by the IEDC into the state economic incentives and compliance report. Repeals the chapter requiring the IEDC to study the steel industry and provide expertise to public officials regarding the steel industry. Repeals and otherwise eliminates reporting requirements imposed on the IEDC to consolidate those requirements at another location in the Indiana Code. Repeals the commission on the social status of black males and the Native American Indian affairs commission and re-enacts them in the article of the Indiana Code dealing with commissions. Transfers staffing responsibility for the commission on the social status of black males from the division of family resources, family and social services, to the civil rights commission. Transfers staffing responsibility for the Native American Indian affairs commission, the Indiana commission on women, and the commission on Hispanic/Latino affairs from the department of workforce development to the civil rights commission. Makes conforming technical changes. Repeals the law that establishes the tobacco farmers and rural community impact fund. Repeals the law that allows a distressed political subdivision to appeal if the subdivision's property tax collections are reduced by at least 5% in a calendar year as a result of the application of certain tax credits. Repeals the law that allows certain political subdivisions to borrow money for rural community water supply systems. Repeals the capital investment tax credit. Removes obsolete references to the abandoned railroad corridors board. Reduces the membership of the natural resources advisory council from eleven to seven members; provides for the council to meet in January and on the call of the chairperson; and makes conforming changes. Broadens the requirements for the appointment of one member of the board of

animal health. Repeals the following committees, commissions, and boards: (1) Office of community and rural affairs advisory council. (2) Tobacco farmers and rural community impact fund. (3) Indiana arts commission trust fund board. (4) Council on library automation. (5) Library advisory council. (6) Law enforcement, school policing, and youth work group. (7) Affordable housing and community development fund advisory committee. (8) Indiana tourism council. (9) Indiana health informatics corporation. (10) Ohio River bridges project commission. (11) Veterans' home advisory committee. (12) Mental health corrections quality advisory committee. (13) Distressed unit appeal board. (14) Department of local government finance rule adoption committee. (15) Courthouse preservation advisory commission. (16) Rural community water supply loan program. (17) Water shortage task force. (18) Water resources task force. (19) Corporation for educational technology. (20) Educational technology council. (21) School air quality panel. (22) Building and trades advisory committee. Makes conforming changes.

Date	Action
02/15/2012	S: Committee Sched 1:30pm Room 431 Public Policy
02/15/2012	S: Committee Action Pass Amend(10-0) Public Policy
02/16/2012	S: Committee Report amend do pass, adopted

HB1060 Hazardous waste disposal tax. ([Baird](#), [Lawson](#))

Digest

Authorizes a county to use a part of its hazardous waste disposal tax revenue to pay costs associated with the maintenance or repair of county roads. Provides that any annual expenditures for county roads may not exceed 10% of the balance of the county's separate fund for the deposit of hazardous waste disposal taxes as of January 1 of the calendar year in which the expenditures are made.

Date	Action
02/13/2012	S: Committee Action Pass(10-0) Energy and Environmental Affairs
02/14/2012	S: Committee Report do pass, adopted
02/16/2012	S: Co Sponsor Added Lonnie Randolph

HB1173 Various IOSHA matters. ([Ellspermann](#), [Walker](#))

Digest

Provides that when an employee believes that a workplace violation of safety or health standards exists, the name of the complainant and any identifying information and the name and identifying information of other individual employees may be nondisclosable and confidential for purposes of public records law. Provides that neither the commissioner of the department of labor (department) nor any employee or former employee of the department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection, except in enforcement proceedings brought under the Indiana Occupational Safety and Health Act. Provides that the annual tax imposed to finance the safety and health consultation services for the INsafe division of the department is due and payable on or before May 1 of each year when the tax is imposed. (Current law provides that the tax is due and payable on or before April 10 of each year when the tax is imposed.) Makes technical corrections.

Date	Action
02/01/2012	S: 1st Reading Assigned Pensions and Labor
02/15/2012	S: Committee Sched 9:30am Room 233 Pensions and Labor
02/16/2012	S: Committee Report amend do pass, adopted

HB1199 Inheritance tax. ([Turner](#), [Hershman](#), [Banks](#))

Digest

Provides for a phase-out of the inheritance tax.

Date	Action
01/30/2012	H: Sponsor Added Jim Banks
02/01/2012	S: 1st Reading Assigned Tax and Fiscal Policy
02/09/2012	S: Co Sponsor Added Patricia L. Miller

HB1280 *Regulatory matters.* ([Koch](#), [Hershman](#))

Digest

Provides that intrastate commerce in Indiana is not subject to the authority of the United States Congress. Provides for a retrospective review of agency rules. Imposes a duty on a state agency under certain circumstances to give a person an opportunity to correct an alleged violation of law that is discovered in an inspection. Requires hearing officers and administrative law judges to be attorneys licensed to practice law in Indiana. Requires state agencies and instrumentalities to implement continuous process improvement techniques. Requires agencies to evaluate the benefits and costs of rules, seek alternatives to regulation, establish and publish a rulemaking docket, and encourage public participation in rulemaking proceedings. Requires that state documents provided to the public must be written in plain English. Requires each unit of local government that receives franchise fees paid to a unit from an entity providing video services to submit to the IURC an annual report on the unit's receipt and use of those franchise fees during the calendar year for which the report is submitted. Consolidates six categories of pharmacy licenses into three categories. Extends the provisions of the public lawsuit statute to cover all actions against a municipal corporation in which the petitioner has public standing.

Date	Action
02/01/2012	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters
02/07/2012	S: Reassign Assigned Tax and Fiscal Policy
02/21/2012	S: Committee Sched 0830 AM Room 431 Tax and Fiscal Policy

SB0130 *Environmental board consolidation.* ([Gard](#), [Wolkins](#))

Digest

Repeals certain statutes creating the following boards: (1) Air pollution control. (2) Water pollution control. (3) Solid waste management board (collectively, the repealed boards). Defines "board" to exclude the repealed boards. Establishes the environmental rules board (consolidated board). Requires that a member of the consolidated board representing a certain constituency possess knowledge, experience, or education that qualifies the individual to represent the constituency being represented. Requires the consolidated board to appoint a technical secretary. Allows the consolidated board to appoint: (1) legal counsel; and (2) members of advisory committees. Provides that a member of an advisory committee is not entitled to a salary, per diem, or reimbursement of expenses. Requires the consolidated board to use rulemaking procedures to adopt rules. Transfers to the consolidated board duties of the department of environmental management to adopt certain rules related to: (1) treatment plant or water distribution systems certification programs; and (2) the waste tire management fund. Transfers certain powers and duties of the repealed boards to the consolidated board.

Date	Action
01/23/2012	S: Sponsor Added David Alan Wolkins

01/31/2012 H: **1st Reading** Assigned [Environmental Affairs](#)
02/15/2012 H: **Committee Sched** 10:30am Room 156C [Environmental Affairs](#)

SB0131 Environmental matters. ([Gard](#), [Wolkins](#))

Digest

Defines "program year" as a calendar year for certain electronic waste programs. Establishes program year dates for certain recycling goals. Requires the department to include restrictive covenants on a property transfer disclosure form. Defines "passenger tire equivalent" as a unit of waste tire material that weighs 20 pounds. Includes tire disposal as a "waste tire processing operation". Removes certain requirements for a septage management vehicle identification. Allows the department of environmental management (department) to issue a septage management permit that incorporates approval of a land application site. Requires the solid waste management board to adopt certain rules under rulemaking procedures. Establishes certain waste source reduction goals. Requires the holder of an incinerator permit to notify the department and appropriate local government officials about certain contaminant effects from incineration exceeding control levels of an air pollution control permit. Exempts a manufacturer of tires that keeps 5,000 waste tires or less in an enclosed structure from certain registration provisions. Exempts a person that obtains a certificate of registration from having to obtain a solid waste processing facility permit: (1) for activities covered under the registration; or (2) if the person stores or processes waste tires in a facility according to certain regulations. Replaces the term "recycling facility" with "solid waste processing facility". Excludes a waste tire amnesty day sponsored by a local government from certain registration requirements. Allows disposal of waste tires by: (1) delivery to a facility that retreads tires; (2) delivery to a facility that is registered as a storage site or processing operation; or (3) collection by a registered transporter. Provides that waste tire transporters may not design their own manifest form. Requires from a recycler a list of collectors from which the recycler received covered electronic devices. Requires the department to: (1) provide information on a property's restrictive covenants; and (2) include environmental defects on a property transfer disclosure form. Abolishes the clean manufacturing technology board. Repeals provisions pertaining to: (1) waste exchange; (2) the compliance advisory panel as a committee of the environmental quality service council; (3) solid and hazardous waste materials exchange; (4) waste incineration; and (5) waste tires. Establishes the compliance advisory panel as an entity separate from the environmental quality service council and specifies the duties and membership for both the council and the panel.

Date	Action
01/31/2012	S: Sponsor Added David Alan Wolkins
02/09/2012	H: 1st Reading Assigned Environmental Affairs
02/15/2012	H: Committee Sched 10:30am Room 156C Environmental Affairs

SB0133 Underground storage tanks. ([Gard](#), [Wolkins](#))

Digest

Allows the solid waste management board to adopt rules and establish requirements for underground storage tanks in conformance with the delivery prohibition program under 42 U.S.C. 6991k. Provides that the commissioner of the department of environmental management (commissioner) may: (1) determine whether an underground storage tank (tank) is eligible for delivery, deposit, or acceptance of a regulated substance; and (2) issue a temporary order to enforce compliance. Allows the commissioner to enforce the delivery prohibition program if an owner or operator of an underground petroleum storage tank fails to register the tank or pay annual registration fees. Requires the commissioner to provide notice before issuing such a temporary order. Requires compliance with such an order by the new owner of an underground storage tank after ownership of

the tank is transferred. Allows the commissioner to implement the delivery prohibition program prior to the adoption of rules by the board. Repeals requirements to pay certain tank fees. Exempts the implementation of the delivery prohibition program from certain administrative procedures. Provides a defense to noncompliance with such an order if the owner or operator of the underground storage tank has not been notified that the tank is ineligible. Makes a technical correction.

Date	Action
01/19/2012	S: Sponsor Added David Alan Wolkins
01/31/2012	H: 1st Reading Assigned Environmental Affairs
02/15/2012	H: Committee Sched 10:30am Room 156C Environmental Affairs

SB0142 Property tax issues. ([Kenley](#), [Espich](#))

Digest

Provides that if a taxpayer wishes to have the income capitalization method or the gross rent multiplier method used in the initial assessment of the taxpayer's property, the taxpayer must submit the necessary information to the assessor not later than the March 1 assessment date. Specifies that the taxpayer is not prejudiced or restricted in filing an appeal, if the data is not submitted by March 1. Provides that a taxpayer filing a notice requesting a county property tax assessment board of appeals (county board) to review an assessment or deduction must pay to the county treasurer a filing fee of \$50. Specifies that only one filing fee must be paid for a review if the appeal involves contiguous parcels. Specifies that a taxpayer is not required to pay the filing fee if the review concerns the taxpayer's homestead and the taxpayer will represent himself or herself before the county board. Provides that the filing fee shall be refunded to the taxpayer if: (1) the taxpayer and the assessing official resolve the issues in the review; (2) the county board gives notice of its determination; or (3) the maximum time elapses for the county board to hold a hearing or to give notice of its determination and the taxpayer initiates a proceeding for review before the Indiana board of tax review (Indiana board). Specifies that a power of attorney expires 45 days after receiving a final determination, refund, or credit in a proceeding or review, including any subsequent appeal from the final determination in the proceeding or review, or three years, whichever is earlier. Specifies that in the case of an assessment that is decreased by the Indiana board of tax review or the Indiana tax court, the taxpayer is not entitled to interest on the excess taxes paid by the taxpayer unless the taxpayer affirms, under penalty of perjury, that substantive evidence had been presented to the assessor or introduced by the taxpayer at a hearing before the county property tax assessment board of appeals. Provides that an appraisal may not be required by the county board or the assessor in a proceeding before the county board or in the preliminary informal meeting process involving the taxpayer and the assessor.

Date	Action
01/30/2012	S: Co Sponsor Added William A. Crawford
02/09/2012	H: 1st Reading Assigned Ways and Means
02/14/2012	H: Committee Sched 9:00am Room 404 Ways and Means

SB0230 Worker's compensation. ([Smith](#), [Lehman](#))

Digest

Authorizes the worker's compensation board (board) to certify one or more data bases to be used to determine pecuniary liability of an employer or an employer's insurance carrier for a specific service or product covered under worker's compensation or occupational diseases compensation. Establishes a proof of coverage filing fee of two dollars, and specifies that the fee be deposited in the worker's compensation supplemental administrative fund to pay the board's expenses related to health provider claim dispute resolution. Allows an insurance carrier

filing proof of coverage on behalf of an employer to update the board's records and pay the filing fee on the last business day of each quarter or at another time the board specifies by rule.

<u>Date</u>	<u>Action</u>
01/31/2012	S: Sponsor Added Matthew Lehman
01/31/2012	S: Co Sponsor Added Jerry Torr
02/09/2012	H: 1st Reading Assigned Employment, Labor and Pensions

P **SB0232 *Unemployment compensation.* ([M. Young](#), [Gutwein](#))**
Position: Support

Digest

Provides that a hearing scheduled before an administrative law judge or the unemployment insurance review board must be held with all interested parties and witnesses participating in person if any interested party objects to the hearing being scheduled as a telephone hearing. Requires the department of workforce development to amend its administrative rules concerning telephone hearings accordingly before December 31, 2012. Permits an individual to receive unemployment benefits when the individual voluntarily separates from employment to move to another labor market to join a spouse who: (1) is a member of the armed forces of the United States on active duty; and (2) was required by the armed forces to relocate to that labor market. Makes technical corrections and conforming amendments.

<u>Date</u>	<u>Action</u>
01/24/2012	S: Sponsor Added Douglas Gutwein
01/24/2012	S: Co Sponsor Added Daniel Leonard
01/31/2012	H: 1st Reading Assigned Employment, Labor and Pensions

P **SB0269 *Employee's right to work.* ([Yoder](#), [Torr](#))**
Position: Support

Digest

Makes it a Class A misdemeanor to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Provides that the Indiana department of labor may investigate and issue administrative orders for violations or threatened violations. Establishes a separate private right of action for violations or threatened violations. Provides that the statute does not apply to federal employees, employees subject to certain federal laws, certain employees over whom the federal government has jurisdiction, state employees, and employees of a political subdivision. Provides that the statute does not apply to the extent it is in conflict with or preempted by federal law. Provides that the statute is not intended, and should not be construed, to change or affect any other law concerning collective bargaining or collective bargaining agreements in the building and construction industry.

<u>Date</u>	<u>Action</u>
01/23/2012	S: Co Sponsor Added Wes Culver
01/23/2012	S: Co Sponsor Added Brian Bosma
02/13/2012	H: 1st Reading Assigned Rules and Legislative Procedures

SB0293 *Inheritance tax.* ([Smith](#), [Turner](#))

Digest

Reclassifies a spouse, widow, or widower of a child of the transferor as a Class A transferee instead of a Class B transferee. Reclassifies a spouse, widow, or widower of a stepchild of the transferor as a Class A transferee instead of a Class C transferee. Annually increases the inheritance tax exemption amounts through 2015.

Provides that the tax base for determining the inheritance tax includes the exempted amount but applies a 0% tax rate to transfers that are equal to or less than the exempted amount. Reduces the inheritance tax rates by 50% for transfers resulting from the death of an individual who dies after June 30, 2016.

Date	Action
01/31/2012 S: Co Author	Added Scott Schneider
02/09/2012 H: 1st Reading	Assigned Ways and Means
02/16/2012 H: Committee Sched	1:00pm Room 404 Ways and Means

SB0311 *Fiscal impact review for environmental rules.* ([Hershman](#), [Truitt](#))

Digest

Requires the office of management and budget (OMB) to prepare for each administrative rule that: (1) has been adopted; and (2) has taken effect; after December 31, 2011, a cost benefit analysis with respect to the first three years following the rule's effective date. Provides that a cost benefit analysis must include certain information concerning the three year period covered by the analysis. Requires the OMB to submit a cost benefit analysis to: (1) the governor; and (2) the administrative rules oversight committee (committee); not later than six months after the third anniversary of the rule's effective date. Provides that the governor or the committee may prescribe: (1) the form of a cost benefit analysis; and (2) the process, deadlines, and other requirements for submitting a cost benefit analysis. Provides that in preparing a cost benefit analysis: (1) before a rule's adoption under the existing statute that requires a cost benefit analysis for proposed rules; or (2) after a rule's adoption and effective date under the act; the OMB shall consider any verified data provided voluntarily by interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule. Provides that a cost benefit analysis prepared before or after a rule's adoption is a public document, subject to the following: (1) The OMB or an agency may not require an interested party or a regulated person to provide information in connection with an analysis. (2) If an interested party or a regulated person voluntarily provides information, the OMB or an agency responsible for proposing or administering the rule shall ensure adequate protection of any confidential or proprietary information provided. (3) At least 30 days before presenting the cost benefit analysis to the governor and the committee, the OMB shall make the cost benefit analysis available to interested parties, regulated persons, and nonprofit corporations whose members may be affected by the rule.

Date	Action
02/01/2012 S: Co Sponsor	Added Heath VanNatter
02/09/2012 H: 1st Reading	Assigned Government and Regulatory Reform
02/14/2012 H: Committee Sched	10:30am Room 156A Government and Regulatory Reform

P **SB0344** *State taxation.* ([Hershman](#), [Espich](#))
Position: Support

Digest

Specifies the assessed value for outdoor signs for the 2011 through 2014 assessment dates. Requires the commission on state tax and financing policy to study the assessment of outdoor signs. Specifies that the value of federal income tax credits under Section 42 of the Internal Revenue Code awarded after December 31, 2012,

must be used for purposes of determining the assessed value of low income housing tax credit property. Permits the fiscal body of a city or town, or the county, in the case of an unincorporated area, to authorize the unit's redevelopment commission to establish a residential historic rehabilitation grant program. Permits the fiscal body to annually appropriate money for the grant program from the property tax increment resulting from any additional property taxes collected as a result of using the value of federal income tax credits in determining the assessed value of low income housing tax credit property. Separates the township assistance levy from the township's general fund levy, and provides for a levy based on a rate calculation that must be used to determine a township's assistance levy after 2012. Phases in the change through 2014. Freezes a township's township assistance rate for levy determinations after 2014. Permits a township to increase the township assistance levy only if there is a corresponding reduction in the township's general fund levy. Specifies that if the township is located in a county for which a local option income tax levy freeze is first imposed or increased, the township assistance fund levy remains the same. Provides that if the calculated maximum rate for a township for 2013 is greater than or equal to the 2012 rate, the assessed value growth quotient (AVGQ) applies for 2013 and thereafter. Provides that for other townships, the AVGQ applies after 2014, after the new rate is fully phased in. Provides a 100% property tax assessed value deduction for a solar power device used to generate electricity that is installed after December 31, 2011. Provides that a person leasing real property with a solar power device is eligible for the exemption if the person is subject to assessment for the solar power device. Provides that a sales tax refund claim based on the exemption for electrical energy, natural or artificial gas, water, steam, and steam heat may not cover transactions that occur more than 36 months (rather than 18 months, under current law) before the date of the refund claim. Provides a sales tax exemption for sales of wrapping material and empty containers that are acquired for shipping or delivering certain tangible personal property. Exempts from the utility receipts tax any payments of severance damages or other compensation resulting from a change in assigned service area boundaries between electricity suppliers. Specifies that industrial processors and those engaged in floriculture and arboriculture do not have to file a sales tax refund claim if the utility service is separately metered, or it has been determined that the utility service is predominantly used in industrial processing, horticulture, or arboriculture. Provides a sales and use tax exemption for transactions involving tangible personal property by a company that is engaged in offering a competitive racing experience in a two-seater Indianapolis 500 style race car during a competitive racing event. Repeals the laws allowing for a consolidated sales and withholding tax return. Requires all sales tax returns and payments, excluding those retail merchants whose state gross retail and use tax liability in the previous calendar year does not exceed \$1,000, to be filed and remitted electronically. Makes a technical change regarding the details for the amount of an E85 deduction. Provides that withholding tax payments may be made annually if the total withholding tax due for the year is less than \$1,000. Changes the due dates for annual one-time withholding for a nonresident partner and for a nonresident shareholder in an S corporation to April 15. Changes the reporting date for partnerships that make periodic withholding payments from January 30 to March 15. Requires any person filing more than 25 copies of certain tax forms to file reports electronically. Removes the prohibition of taking a case to the tax court if the department of state revenue takes longer than three years to settle a claim. Extends the income tax credits for venture capital investments, Hoosier business investments, alternative fuel manufacturing, and new employers through December 31, 2016. Provides that for purposes of the coal gasification technology investment tax credit, an integrated coal gasification powerplant also includes a facility that is dedicated primarily to production of electricity or gas for sale to or use by the Indiana finance authority under statutes authorizing the authority to enter into contracts for the purchase, transportation, and delivery of substitute natural gas. Specifies that a natural gas utility's transportation customer is not a retail end use customer under the Indiana finance authority law regarding substitute natural gas contracts if the customer purchases at least 50,000 dekatherms of natural gas annually from an entity other than the natural gas utility. Adds an exception to the requirement that 100% of the coal used in an integrated coal gasification powerplant or as fuel in a fluidized bed combustion unit must be Indiana coal (by allowing the applicant awarded the coal gasification technology investment tax credit to

certify that partial use of feedstock is necessary to result in lower rates for Indiana retail utility customers). Corrects references to the Internal Revenue Code in the income tax law. Provides that a decedent's estate and a trust do not have to file an Indiana fiduciary return if the gross income for the year is less than \$600. Requires the commission on state and financing policy to study all income tax credits during 2012 and 2013. Urges the legislative council to assign to a study committee the topic of more clearly defining what is included in instructional spending by school corporations and what is included in noninstructional spending by school corporations for purposes of the annual performance report provided by school corporations. Provides for a continuous abatement notice regarding weeds and vegetation. Adjusts the maximum levy for Clark County.

Date	Action
02/01/2012 S: Co Sponsor	Added Peggy Welch
02/09/2012 H: 1st Reading	Assigned Ways and Means
02/14/2012 H: Committee Sched	9:00am Room 404 Ways and Means