

INCMA Bill Report
Report created on March 10, 2024

- HB1003 ADMINISTRATIVE LAW** (STEUERWALD G) Makes the office of administrative law proceedings the ultimate authority in any administrative proceeding under its jurisdiction. Provides certain exceptions. Provides that the bill applies to certain proceedings filed after June 30, 2024. Specifies when a state agency may be required to pay reasonable attorney's fees for judicial review proceedings. Outlines procedures for the ultimate authority regarding nonfinal orders and procedures to file objections to final orders. Permits a final order to be corrected by means of a motion to correct error. Provides that the court shall decide all questions of law, including any interpretation of a federal or state constitutional provision, state statute, or agency rule, without deference to any previous interpretation made by the state agency. Provides that a court is not bound by a finding of fact made by the ultimate authority if the finding of fact is not supported by the record. Requires the state agency to transmit the agency record to the court for judicial review. Eliminates the office of environmental adjudication and transfers proceedings to the office of administrative law proceedings. Creates requirements for administrative law judges that are assigned to certain environmental matters. Provides that until the office of administrative law proceedings adopts or amends rules related to environmental matters, it must continue to follow and implement rules under 315 IAC. Requires the office of administrative law proceedings to continue to index and make publicly available, in a substantially similar online searchable format, the final orders of contested appeals currently maintained by the office.
- Current Status:** 3/6/2024 - House Concurred in Senate Amendments; Roll Call 296: yeas 71, nays 24
- State Bill Page:** [HB1003](#)
- HB1276 NOTICE OF A PUBLIC HEARING OR MEETING** (SOLIDAY E) Provides that the commissioner of the department of environmental management (department) may, not later than 10 days after the last day of a public comment period, decide to hold a public hearing or meeting before the issuance or denial of a permit. Requires the department to provide notice if a public hearing or meeting will be held.
- Current Status:** 3/8/2024 - Signed by the President of the Senate
- Recent Status:** 3/7/2024 - Signed by the Speaker
3/5/2024 - Returned to the House without amendments
- State Bill Page:** [HB1276](#)
- HB1329 LOCAL GOVERNMENT MATTERS** (PRESSEL J) Reduces the membership of the board of directors of the Indiana stadium and convention building authority (board) from seven members to three members. Provides that the director of the budget agency or the director's designee serves as chair of the board. Authorizes the solid waste management district of Vanderburgh County to make grants and loans for certain purposes. Provides that with certain exceptions a governmental entity is prohibited from requiring that a Class 2 structure or a residential onsite sewage system be inspected when a property is sold or transferred. Allows a governmental entity to require certain inspections of properties located in that part of St. Joseph County containing a designated sole source aquifer only if it has been more than 15 years since: (1) the property was last sold or transferred; or (2) the Class 2 structure or system was constructed or installed. Provides, for purposes of posting a license bond, that a political subdivision may not impose any requirement for the political subdivision to be identified as an obligee on the license bond other than the requirement in statute. Provides that certain obligors may initiate a civil action against a political subdivision that does not recognize or does not allow an obligor to post a license bond that satisfies certain requirements. Provides that, if the obligor prevails in the action, the obligor shall be awarded an amount equal to: (1) 300% of the cost of obtaining the license bond; (2) compensatory damages; and (3) reasonable attorney's fees. Provides that if a contractor: (1) has posted a license bond to obtain one license from a political subdivision; and (2) is required to obtain another license from the political subdivision to perform work that the contractor intends to perform; the contractor may not be required to post a second license bond as a condition of obtaining the second license if the type of work that the first license authorizes the contractor to perform is so closely related to the type of work that the second license will authorize the contractor to perform that both types of work are typically involved in a single residential

construction project. Provides that a city, town, or county that requires a building permit for the construction of a Class 2 structure may provide for the inspection to be conducted by: (1) an individual employed by the city, town, or county, or by another city, town, or county, as a building inspector; (2) a registered architect; (3) a registered professional engineer; (4) a certified building official; or (5) a licensed home inspector.

Current Status: 3/8/2024 - Conference Committee Report Adopted (S) Report 2: adopted by the Senate; Roll Call 323: yeas 42, nays 5; Rules Suspended

State Bill Page: [HB1329](#)

HB1383 WETLANDS (MORRISON A) Clarifies various wetland definitions. Eliminates certain wetland rulemaking requirements. Provides that certain wetland activity requires state authorization. Clarifies the compensatory mitigation that must be offered to offset certain wetland activity. Makes conforming changes and technical corrections.

Current Status: 2/12/2024 - **SIGNED BY GOVERNOR**

State Bill Page: [HB1383](#)

SB148 WORKFORCE DATA COLLECTION (BROWN L) Requires the division of disability and rehabilitative services (division), beginning 12 months after the direct support professional registry is implemented, to post monthly on the division's website the total number of individuals registered under the registry. Requires the division to present information concerning the total number of individuals registered to the division of disability and rehabilitative services advisory council at least quarterly. Requires reports of newly hired employees to be filed electronically. Requires employers to provide an employee's current primary standardized occupational classification code and starting compensation on a report of a newly hired employee. Provides that each workforce focused agency shall deliver a workforce related program report to the management performance hub. Requires the management performance hub to: (1) compile the workforce related program reports into an annual data product; and (2) make the data product available to each workforce focused agency. Makes conforming amendments.

Current Status: 3/8/2024 - Signed by the President Pro Tempore

Recent Status: 3/8/2024 - Conference Committee Report Adopted (S) Report 1: adopted by the Senate; Roll Call 308: yeas 40, nays 8; Rules Suspended

State Bill Page: [SB148](#)

SB206 ENVIRONMENTAL MATTERS (NIEMEYER R) Authorizes the department of environmental management (department) to use electronic means to deliver mail communications, send or publish notices, accept notices and permit applications, provide access to documents for public comment, and store documents for future access. Authorizes the use of electronic communications in proceedings involving regional water, sewage, and solid waste districts. Requires the IDEM to make a determination concerning prior approval for the construction or expansion of a biomass anaerobic digestion facility or biomass gasification facility not more than 90 days after the date on which the department receives the completed application. Eliminates a provision of law stating that a person constructing or expanding a biomass anaerobic digestion facility or a biomass gasification facility is not required to obtain the prior approval of the department if air pollution control permit requirements apply to the facility.

Current Status: 3/8/2024 - Signed by the President of the Senate

Recent Status: 3/7/2024 - Signed by the Speaker
3/4/2024 - Signed by the President Pro Tempore

State Bill Page: [SB206](#)