

## INCMA Final Report / Saturday, Mar-10-2012, 08:16 AM

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.

<b>Date</b>	<b>Action</b>
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02/01/2012 **H: Signed** By the Speaker

02/01/2012 **Governor Signed**

02/16/2012 **S: Signed** By the President Pro Tem

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

### **Digest**

Reenacts the public officers compensation advisory commission that was repealed in 2011. Establishes the environmental rules board. 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 for women, and the commission on Hispanic/Latino affairs from the department of workforce development to the civil rights commission. Makes conforming technical changes. Provides that a capital investment tax credit may not be granted after December 31, 2016. Repeals the law that establishes the tobacco farmers and rural community impact fund. Repeals the law that allows certain political subdivisions to borrow money for rural community water supply systems. 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) Air pollution control board. (4) Water pollution control board. (5) Solid waste management board. (6) Indiana arts commission trust fund board. (7) Council on library automation. (8) Library advisory council. (9) Law enforcement, school policing, and youth work group. (10) Affordable housing and community development fund advisory committee. (11) Indiana health informatics corporation. (12) Ohio River bridges project commission. (13) Veterans' home advisory committee. (14) Mental health corrections quality advisory committee. (15) Department of local government finance rule adoption committee. (16) Courthouse preservation advisory commission. (17) Rural community water supply loan program. (18) Water shortage task force. (19) Water resources task force. (20) Corporation for educational technology. (21) Educational technology council. (22) School air quality panel. (23) Building and trades advisory committee. Makes conforming changes.

<b>Date</b>	<b>Action</b>
03/09/2012	<b>H: 1st House</b> Dissent Withdrawn
03/09/2012	<b>S: Motion</b> Joint Rule 20 technical correction adopted by the Senate
03/09/2012	<b>H: Motion</b> Joint Rule 20 technical correction adopted by the House

**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.

<b>Date</b>	<b>Action</b>
02/23/2012	<b>H: Signed</b> By the Speaker
02/27/2012	<b>S: Signed</b> By the President Pro Tem
02/29/2012	<b>Governor</b> Signed

**HB 1149** *Smoking Ban / See bottom of report*

**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 when: (1) enforcement proceedings are brought under the Indiana Occupational Safety and Health Act; (2) an action is filed in which the department is a party; (3) the commissioner consents in writing to waive the exemption; or (4) a court

finds that: (A) the information sought is essential to the underlying case; (B) there are no reasonable alternate means for acquiring the information; and (C) a significant injustice would occur if the requested testimony was not available. 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.

<b>Date</b>	<b>Action</b>
03/05/2012	<b>H: Ret 1st House</b> <a href="#">Concur(75-17)</a>
03/06/2012	<b>H: Signed</b> By the Speaker
03/07/2012	<b>S: Signed</b> By the President Pro Tem

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

**Digest**

Requires the office of management and budget (OMB) to advise and assist state agencies and instrumentalities with the implementation of continuous process improvement techniques. Requires the 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. Provides that in preparing a cost benefit analysis, 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 is a public document, subject to the following: (1) The OMB or a state 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 a state 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. Specifies that to maintain confidentiality interested parties and regulated persons must submit the information according to the rulemaking agency's confidentiality rules. Requires the OMB to submit the cost benefit analysis to the administrative rules oversight committee. Requires an agency that amends or modifies a proposed rule to resubmit the proposed rule to the OMB. Provides certain exceptions to the analysis requirements for a proposed rule. Eliminates regular mail and personal service requirements for an initial notice of a determination for certain adjudicative proceedings. Requires a state agency, to the extent feasible and permitted by law, to afford the public a meaningful opportunity to comment through the Internet on proposed rules. Requires state agencies to consider providing a comment period that exceeds the minimum required by law. Require agencies to maintain a rulemaking docket and publish it on the agency's Internet web site. Provides that the state personnel department shall adopt classifications and qualifications for administrative law judges and other hearing officers in the executive department of state government and develop appropriate training programs for such administrative law judges and hearing officers. Requires each unit of local government that receives franchise fees paid to a unit from an entity providing video services to submit to

the Indiana utility regulatory commission 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.

<b>Date</b>	<b>Action</b>
03/09/2012	<b>S: Conferee</b> Added <a href="#">Brent Steele</a>
03/10/2012	<b>S: Conf Report</b> <a href="#">Adopted(38-12) S</a>
03/10/2012	<b>H: Conf Report</b> <a href="#">Adopted(66-27) H</a>

**[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. 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. 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. 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) solid and hazardous waste materials exchange; (3) waste incineration; and (4) waste tires. Requires the department to provide solid waste management districts with a curriculum model that includes educational core principles concerning: (1) the reuse, recycling, and collection of mercury; and (2) the reuse, recycling, collection, and proper disposal of solid waste. Provides that solid waste management districts must implement educational programs that meet the minimum standards established by the department in the curriculum model. Provides that, in 2015 and every fifth year thereafter, the legislative council must require an interim study committee or a statutory study committee to: (1) assess solid waste management districts; and (2) determine whether any changes should be made to the statutes governing districts. Specifies additional information that a solid waste management district must include in the annual report prepared by the district and provided to the department, the department of local government finance, and the legislative council. Requires a solid waste management district to publish the report on an Internet web site maintained by the district or on the Internet web sites maintained by the counties that are members of the district. Requires

the commission on state tax and financing policy to study issues related to the financing of solid waste management districts during the 2012 interim. Requires the environmental quality service council to study issues concerning the powers of solid waste management districts to: (1) establish and issue permits that are not specifically authorized by a statute; and (2) impose and collect fees that are not specifically authorized by a statute; during the 2012 interim.

<b>Date</b>	<b>Action</b>
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03/08/2012	<b>H: Signed</b> By the Speaker
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03/08/2012	<b>S: Signed</b> By the President Pro Tem
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03/09/2012	<b>S: Signed</b> By the President of the Senate
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**[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.

<b>Date</b>	<b>Action</b>
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02/28/2012	<b>H: Ret 1st House</b> No Amendments
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03/05/2012	<b>H: Signed</b> By the Speaker
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03/09/2012	<b>S: Signed</b> By the President of the Senate
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**[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. Increases the inheritance tax exemption amount for Class A transferees from \$100,000 to \$250,000 with respect to taxable transfers resulting from the deaths of individuals dying after December 31, 2011. Phases out the inheritance tax over 9 years beginning in 2013. Phases out the inheritance tax replacement amounts payable to counties over 10 years beginning with amounts payable for the state fiscal year beginning July 1, 2012.

<b>Date</b>	<b>Action</b>
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03/09/2012	<b>H: Conf Report</b> <a href="#">Adopted(78-17) H</a>
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03/09/2012 S: Conf Report [Adopted\(48-0\) S](#)

**SB0311** *Cost benefit analysis for administrative rules.* ([Hershman](#), [Truitt](#))

**Digest**

With certain exceptions, 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 if the OMB finds that a proposed rule is: (1) an adoption or incorporation by reference of a federal law, regulation, or rule that has no substantive effect on the scope or intended application of the federal law or rule; or (2) a technical amendment with no substantive effect on an existing Indiana rule; the OMB may not prepare a cost benefit analysis of the proposed rule or with respect to the first three years following the rule's effective date. Requires the OMB to submit its findings that the OMB may not prepare a cost benefit analysis on the rule to the administrative rules oversight committee (committee) and the governor. Requires the OMB to submit a cost benefit analysis to: (1) the governor; and (2) the committee; not later than six months after the third anniversary of the rule's effective date. Provides that a cost benefit analysis prepared before or after a rule's adoption and effective date must include certain information, including information concerning: (1) the rule's primary and direct benefits; (2) the rule's secondary and indirect benefits; and (3) any cost savings to regulated persons as a result of the rule. Provides that a cost benefit analysis may contain additional information that the governor or the committee requests in writing. 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 if the OMB or an agency is unable to obtain verified data for a cost benefit analysis, the OMB shall state in the analysis which data were unavailable. 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. Provides that if an agency has adopted rules regarding the confidentiality of information, interested parties and regulated persons must submit the information in accordance with the confidentiality rules adopted by the agency to ensure proper processing of confidentiality claims. Requires the OMB to submit its findings and cost benefit analyses to the committee by electronic means.

**Date**            **Action**

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03/09/2012 S: Ret 1st House [Concur\(43-5\)](#)

03/09/2012 S: Co Author    Added [Jean Leising](#)

**[HB1149](#) *Smoking ban.* ([Turner](#), [Gard](#), [Simpson](#), [Alting](#))**

**Digest**

Prohibits smoking: (1) in public places; (2) in enclosed areas of a place of employment; (3) in certain state vehicles; and (4) within 8 feet of a public entrance to a public place or an enclosed area of a place of employment. Allows smoking in certain: (1) gaming facilities; (2) cigar and hookah bars; (3) fraternal, social, and veterans clubs; (4) tobacco stores; (5) bars and taverns; (6) cigar manufacturer facilities; and (7) cigar specialty stores; if certain requirements are met. Allows smoking on the premises of a business that is located in the business owner's residence if certain requirements are met. Requires certain signs to be posted. Requires the alcohol and tobacco commission (commission) to enforce this prohibition. Allows certain governmental agencies and law enforcement officers to enforce the prohibition. Makes it a Class B infraction to violate the smoking prohibition and a Class A infraction if the person has been adjudged to have committed three prior unrelated infractions for violations. Prohibits firing, refusing to hire, or retaliating against a person for reporting a violation or exercising any right or performing any obligation under the smoking prohibition. Requires the commission to present an annual report to the health finance commission. Removes the authority of the director of the division of mental health and addiction to regulate smoking within certain state institutions. Provides authority for a physician to prescribe smoking cessation devices to residents of state institutions. (Current law allows prescribing nicotine patches.) Moves the prohibition against smoking on a school bus during the school week to IC 7.1. Repeals the current clean indoor air law. Makes a technical correction.

**Date**

**Action**

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03/09/2012 S: Conf Report [Adopted\(28-22\) S](#)

03/09/2012 H: Motion Joint Rule 20 technical correction adopted by the House

03/09/2012 S: Motion Joint Rule 20 technical correction adopted by the Senate