

The Cope...



INCMA's Monthly Newsletter

February 2019

2019 SESSION UPDATE

The legislative process continues to churn in Indianapolis. The last day for committee reports to be adopted is Tuesday, Feb. 19 (House) and Thursday, Feb. 21 (Senate). Bills not heard in committee by these dates are in effect "dead". That is not to say the issue is completely finished for the session but it becomes much harder for proponents to push measures where the inaction by a committee chair has made clear their feelings. By the end of February, the session will be at the half way mark and bills that have passed will switch sides and the process will start over. INCMA continues to lobby hard. Below is a summary of a few key issues.

IDEM Permit Fees

Discussions concerning IDEM permit fee authority and a potential cost increase have been pushed into the second half. At issue is the whether the legislature should cede its authority to the Environmental Rules Board (ERB) to determine the amount of permits. Also, funding for the permit programs is being discussed. The legislature has not increased permit fees for many years. Fear of

political backlash for raising taxes and fees has left the agency in a difficult situation. A shortfall is certain, but how much is yet to be decided. A coalition of business groups continues to push for limitations and future controls if the ERB is to take on this new role. The language in [HB 1514](#) will likely become a part of [HB 1278](#) in the second half.



TDSIC (Transmission, Distribution, System Infrastructure Charge)

In 2013, the legislature passed SB 560. This was the "tracker to end all trackers". The bill was carefully negotiated and industrial ratepayers did the best they could. The idea was to encourage infrastructure replacement and modernization of utility assets without going through a rate case first. A key point of the legislation was for the utility to be specific and "designate" the infrastructure to be improved. In practice, the

IURC used more of a "hay bag" approach and allowed a utility to layer multiple projects together. This led to litigation and ultimately the Indiana Supreme Court siding with the industrial users that the IURC had incorrectly used the statute and that specific projects must indeed be "designated" up front. [HB 1470](#) is an attempt to give to the utilities what they could not achieve in the rulemaking and yet further dilute the rate case process as a means to hold costs in check. This bill flew out of the House. INCMA will continue to work with Indiana Industrial Energy Consumers (INDIEC) to amend the bill back towards what was agreed upon on 2013.

Wage Assignment

Legislation in the House and Senate to allow for wage assignment to include "rental" as well as "purchase" are proceeding well in the Statehouse. [HB 1410](#) and [SB 99](#) are an attempt to stop the filing of class action lawsuits on behalf of employees where uniforms are rented. Perhaps a scrivener's led to this omission in the original statute. However,

businesses, including foundries are forced to defend themselves in court on such matters. [A weekly update of the total tracking list](#) is online.

INCMA LEGISLATIVE CONFERENCE

INCMA's 2019 Legislative Conference was held last week and was another success! Thanks to our attendees and speakers including Stephanie Salmon, AFS (view her [presentation here](#)); Stan Pinegar, Duke Energy Indiana (pictured left), Kevin Brinegar, IN Chamber, and Rick Rubles, IN Dept. of Labor. Special thanks to our sponsors: **ASK Chemicals, Bremen Castings Inc. B&L Information Systems CenterPoint Energy, KERAMIDA, Inc., Pillar Group Risk Mgmt., Hill & Griffith, and Waupaca Foundry.**

SILICA UPDATE

OSHA has completed the long awaited Silica FAQ negotiated by AFS. It's [available here](#).

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