

Indiana Cast Metals Association 2021 Legislative Tracking Report

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- HB1002** **CIVIL IMMUNITY RELATED TO COVID-19** (TORR J) Protects health care providers from professional discipline for certain acts or omissions arising from a disaster emergency unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. Provides that a health care provider is not protected from professional discipline for actions that are outside the skills, education, and training of the health care provider, unless certain circumstances apply. Specifies that orders and recommendations issued by local, state, and federal government agencies and officials during a state disaster emergency do not create new causes of action or new legal duties. Specifies that the orders and recommendations are presumed irrelevant to the issue of the existence of a duty or breach of a duty. Prohibits filing a class action lawsuit against a defendant in a civil action allowed by the statute. Specifies that a governmental entity or employee is not liable if a loss results from an act or omission arising from COVID-19 unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. Provides that a person is not liable to a claimant for loss, damage, injury, or death arising from COVID-19 unless the claimant proves that the person caused the loss, damage, injury, or death by an act or omission constituting gross negligence, willful or wanton misconduct, or intentional misrepresentation. Provides immunity from civil liability to certain persons, entities, and facilities providing health care and other services for certain acts or omissions related to the provision of health care services and other services during a state disaster emergency. Extends COVID-19 health care immunity during periods of disaster emergency after February 29, 2020, and before April 1, 2022. Resolves conflicts between SEA 1 and HB 1002.
- Current Status:* 4/20/2021 - Signed by the President Pro Tempore
State Bill Page: [HB1002](#)
- HB1152** **UNEMPLOYMENT INSURANCE** (LEONARD D) Clarifies provisions concerning the overpayment of unemployment benefits resulting from fraud or failure to disclose wages and the forfeiture of benefits or wage credits.
- Current Status:* 4/8/2021 - **SIGNED BY GOVERNOR**
State Bill Page: [HB1152](#)
- HB1190** **OVERWEIGHT TRUCK PERMITS** (PRESSEL J) Removes the list of commodities and the specific weight limitations for certain commodities from the definition of "overweight divisible load". Provides that the Indiana department of transportation (department) may issue an overweight permit for transporting overweight vehicles and loads carrying resources on certain highways in the state highway system. Provides that a deviation from an approved route constitutes a violation subject to a civil penalty. Provides that not more than 8,500 single trip permits may be issued annually for applicants with a total equivalent single axle load calculation of more than 2.40 equivalent single axle load credit. Provides that the trip permit limit and trip weight limit do not include overweight divisible load permits obtained by shippers and carriers that obtained permits before January 1, 2021. Provides that the department may temporarily increase the number of overweight divisible load permits issued by order of the commissioner in response to an emergency or changes in market conditions. Provides that the department may limit the number of overweight divisible load permits issued to an individual applicant. Requires the department to adopt rules due to lack of transportation options for certain resources, supply chain interruptions, or supply dock backlogs. Provides that the department shall issue a report to the legislative council and the interim study committee on roads and transportation regarding the fee structure of overweight divisible load permits, and regarding the impact of overweight

divisible loads on roads and highways by July 1, 2023. Provides that the department shall issue an annual report to the legislative council and the interim study committee on roads and transportation regarding market fluctuation in the number of overweight divisible load permits issued during the previous year. Provides that the Indiana state police department shall issue an annual report to the legislative council and the interim study committee on roads and transportation regarding the number of accidents involving applicants permitted for overweight divisible loads. Provides that a local authority may grant permits for transporting overweight divisible loads on local streets under the control of the local authority. Makes conforming changes.

Current Status: 4/22/2021 - Signed by the Speaker

State Bill Page: [HB1190](#)

HB1191 ENERGY MATTERS (PRESSEL J) Provides that a county executive or the legislative body of a city or town does not have the power to prohibit: (1) a public utility or department of public utilities from furnishing utility service to a utility customer; or (2) a customer of a public utility or department of public utilities from purchasing, using, or connecting or reconnecting to a utility service; based on the energy source of the utility service. Defines a "federal phaseout mandate" as any federal statutory or regulatory requirement that: (1) is established after April 20, 2021, by Congress, a federal agency, or a federal executive order; and (2) requires the phaseout or discontinuance of a particular type of electric generating facility, technology, or fuel source. Requires the utility regulatory commission to consider in the context of: (1) applications for certificates of public convenience and necessity for new generating facilities; and (2) integrated resource planning; the impact of federal phaseout mandates on the estimated useful life of certain generating facilities of an electric utility, including on depreciation expense associated with such facilities. Provides that, except for purposes of compliance with specified building and fire safety laws, a local unit does not have the power to: (1) require that a particular component, design, or type of material be used in the construction of a building because of the energy saving or energy producing qualities of the component, design, or material; (2) prohibit the use of a particular component, design, or type of material in the construction of a building because the component, design, or material does not meet an energy saving standard; (3) require that a building or structure be retrofitted with a particular device or type of material because of the energy saving or energy producing qualities of the device or material; (4) prohibit or restrict the purchase or use of vehicles based upon the type of energy used; or (5) prohibit the sale, installation, or use of: (A) natural gas powered: (i) home heating equipment; (ii) home appliances; or (iii) outdoor heating appliances, torches, lamps, or other decorative features; or (B) outdoor grills and stoves. Specifies that: (1) this prohibition does not apply with respect to requirements included in procurement documents used to procure goods and services, including the construction or design of buildings, to be owned or used by a local unit; and (2) a local unit may adopt bid specifications for a public works project that include energy savings or energy production provisions with respect to the components, design, or materials for the specific project.

Current Status: 4/22/2021 - Conference Committee Report Adopted (S) Report 1: adopted by the Senate; Roll Call 497: yeas 41, nays 7; Rules Suspended

State Bill Page: [HB1191](#)

HB1220 21ST CENTURY ENERGY POLICY DEVELOPMENT TASK FORCE (SOLIDAY E) Reestablishes the 21st century energy policy development task force (task force), following its expiration on December 2, 2020. Provides that the task force consists of 17 members as follows: (1) Six members of the house of representatives, with four of those members appointed by the speaker, and two appointed by the minority leader. (2) Six

members of the senate, with four of those members appointed by the president pro tempore, and two appointed by the minority leader. (3) The utility consumer counselor or the utility consumer counselor's designee. (4) The public finance director or the public finance director's designee. (5) Three members appointed by the governor, each of whom must have specified experience with respect to energy. Provides that: (1) one of the members appointed by the speaker; and (2) one of the members appointed by the president pro tempore; shall serve as co-chairs of the task force. Provides that an individual appointed to serve on the task force at any time before December 2, 2020, under the expired statute governing the task force may be appointed to serve on the task force after December 1, 2020, under these new provisions, at the discretion of the appointing authority. Provides that: (1) all meetings of the task force shall be open to the public in accordance with the state's open door law; and (2) all records of the task force are subject to the requirements of the state's public records law. Sets forth specific issues that the task force must study not later than November 1, 2022. Requires the task force to: (1) develop recommendations for the general assembly and the governor concerning these issues; (2) issue a report setting forth the recommendations developed; and (3) not later than November 1, 2022, submit the report to the executive director of the legislative services agency, the governor, the chair of the utility regulatory commission, and the utility consumer counselor. Provides that these provisions expire July 2, 2023.

Current Status: 4/22/2021 - Signed by the President Pro Tempore

State Bill Page: [HB1220](#)

HB1309 **PREGNANCY ACCOMMODATION** (ENGLEMAN K) Allows an employee to request an accommodation for the employee's pregnancy. Requires an employer to respond to an employee's request for an accommodation within a reasonable time frame. Provides that a request for accommodation does not require an employer to provide an accommodation for an employee's pregnancy, or impose a duty or obligation upon the employer to provide an accommodation or an exception to the employer's policies unless existing federal or state laws require that an accommodation must be made. Prohibits an employer from disciplining, terminating, or retaliating against an employee because the employee has requested or used an accommodation for the employee's pregnancy.

Current Status: 4/20/2021 - **SIGNED BY GOVERNOR**

State Bill Page: [HB1309](#)

HB1520 **ELECTRIC UTILITY RELIABILITY ADEQUACY METRICS** (SOLIDAY E) Provides that a public utility (defined in the bill as a utility listed in the utility regulatory commission's (IURC's) rule concerning integrated resource planning) that owns and operates an electric generating facility serving Indiana customers shall operate and maintain the facility using good utility practices and in a manner: (1) reasonably intended to support the provision of reliable and economic electric service to customers; and (2) reasonably consistent with the resource reliability requirements of the Midcontinent Independent System Operator (MISO) or any other appropriate regional transmission organization. Provides that, not later than 30 days after the deadline for submitting an annual planning reserve margin report to MISO, each public utility providing electric service to Indiana customers shall file with the IURC a report that provides the following information for each of the next three resource planning years: (1) The capacity, location, and fuel source for each electric generating facility that is owned and operated by the electric utility, and that will be used to provide electric service to Indiana customers. (2) The amount of generating resource capacity or energy, or both, that the public utility has procured under contract, and that will be used to provide electric service to Indiana customers. (3) The amount of demand response resources available to the public utility under contracts and tariffs. (4) The planning reserve margin requirements and other federal reliability requirements that the public utility is obligated to meet,

including a comparison of each reported planning reserve margin requirement with the planning reserve margin requirement for the 2021-2022 planning year. (5) The reliability adequacy metrics (as defined in the bill) for the public utility, as forecasted for the three planning years covered by the report. Provides that in reviewing a public utility's report, the IURC may request technical assistance from MISO or any other appropriate regional transmission organization in making certain determinations concerning the adequacy of the public utility's available capacity resources to support the provision of reliable electric service. Provides that if, after reviewing a public utility's report, the IURC is not satisfied that the public utility can: (1) provide reliable electric service to the public utility's Indiana customers; or (2) meet its planning reserve margin requirement or other federal reliability requirements; during any of the planning years covered by the report, the IURC may conduct an investigation as to the reasons. Provides that if, after such an investigation, the IURC determines that the capacity resources available to the public utility will not be adequate to support the provision of reliable electric service to the public utility's Indiana customers, or to allow the public utility to meet its planning reserve margin requirements or other federal reliability requirements, the IURC shall issue an order directing the public utility to acquire or construct such capacity resources as are reasonable and necessary to enable the public utility to meet these requirements. Provides that not later than 90 days after the date of such an order by the IURC, the public utility shall file for approval with the IURC a plan to comply with the order. Provides that the IURC shall annually submit to the governor and to the interim study committee on energy, utilities, and telecommunications a report that includes the following: (1) The IURC's analysis regarding the ability of public utilities to: (A) provide reliable electric service to Indiana customers; and (B) meet their planning reserve margin requirements or other federal reliability requirements; for the next three resource planning years. (2) A summary of: (A) the projected demand for retail electricity in Indiana over the next calendar year; and (B) the amount and type of capacity resources committed to meeting this demand. Authorizes the IURC to adopt rules to implement these provisions.

Current Status: 4/15/2021 - **SIGNED BY GOVERNOR**

State Bill Page: [HB1520](#)

SB1 **CIVIL IMMUNITY RELATED TO COVID-19** (MESSMER M) Provides civil tort immunity for damages arising from COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Defines "COVID-19 protective product" and provides civil tort immunity for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). Prohibits class action suits.

Current Status: 2/18/2021 - Public Law 1

State Bill Page: [SB1](#)

SB271 **ENVIRONMENTAL MATTERS** (MESSMER M) Provides that a property owner claiming the industrial waste control facility property tax exemption must: (1) provide a written statement attesting that the property claimed as exempt meets the requirements for the exemption; and (2) file the statement along with the exemption claim. Eliminates provisions under which the property owner must mail a copy of the exemption claim to the department of environmental management (department) and the assessor is required to allow the total exemption claimed by the property owner if the department does not certify its determination to the assessor within 120 days. Amends the law concerning the

department's preparation of a list of impaired waters to provide for the list to be posted to the department's Internet web site instead of being published in the Indiana Register and to require that the list be made available for public comment for at least 45 days instead of at least 90 days. Requires the department to establish a state permit program for the implementation of federal regulations for the disposal of coal combustion residuals in landfills and surface impoundments. Requires the environmental rules board (board) to adopt rules for the establishment of the state permit program. Requires the department, not later than May 15, 2021, to notify the United States Environmental Protection Agency of its intention to establish the state permit program and seek federal approval of the program. Establishes the CCR program fund to pay costs incurred by the department in operating the state permit program and conducting program funding reviews. Changes, from January 1, 2022, to January 1, 2023, the expiration date of a noncode SECTION of HEA 1278-2019 concerning the adoption of rules to increase the amounts of certain environmental fees.

Current Status: 4/22/2021 - Signed by the Governor

State Bill Page: [SB271](#)