

## Indiana Cast Metals Association 2022 Legislative Tracking Report

Prepared by: Patrick Bennett  
Report created on January 21, 2022

**HB1001 ADMINISTRATIVE AUTHORITY; COVID-19 IMMUNIZATIONS** (LEHMAN M) Allows the secretary of family and social services (secretary) to issue a waiver of human services statutory provisions and administrative rules if the secretary determines that the waiver is necessary to claim certain enhanced federal matching funds available to the Medicaid program. Allows the secretary to issue an emergency declaration for purposes of participating in specified authorized federal Supplemental Nutrition Assistance Program (SNAP) emergency allotments. Requires the secretary to prepare and submit any waivers or emergency declarations to the budget committee. Allows the state health commissioner of the state department of health or the commissioner's designated public health authority to issue standing orders, prescriptions, or protocols to administer or dispense certain immunizations for individuals who are at least five years old (current law limits the age for the commissioner's issuance of standing orders, prescriptions, and protocols for individuals who are at least 11 years old). Defines "Indiana governmental entity" and specifies that an Indiana governmental entity (current law refers to a state or local unit) may not issue or require an immunization passport. Establishes certain requirements for the temporary licensure of retired or inactive emergency medical services personnel, retired or inactive health care professionals, out-of-state health care professionals, or recently graduated students who have applied for a physician assistant, nurse, respiratory care practitioner, or pharmacist license. Allows a health care provider or an officer, agent, or employee of a health care provider who has a temporary license to qualify for coverage under the Medical Malpractice Act. Provides that an individual is not disqualified from unemployment benefits if the individual has complied with the requirements for seeking an exemption from an employer's COVID-19 immunization requirement and was discharged from employment for failing or refusing to receive an immunization against COVID-19. Provides that an employer may not impose a requirement that employees receive an immunization against COVID-19 unless the employer provides individual exemptions that allow an employee to opt out of the requirement on the basis of medical reasons, religious reasons, an agreement to submit to testing for the presence of COVID-19, or immunity from COVID-19 acquired from a prior infection with COVID-19. Provides that an employer may not take an adverse employment action against an employee because the employee has requested or used an exemption from an employer's COVID-19 immunization requirement.

**Current Status:** 1/18/2022 - Senate sponsors: Senators Messmer and Charbonneau

**Recent Status:** 1/18/2022 - Third reading passed; Roll Call 23: yeas 58, nays 35  
1/18/2022 - House Bills on Third Reading

**State Bill Page:** [HB1001](#)

**HB1002 VARIOUS TAX MATTERS** (BROWN T) Repeals a provision that would require the budget agency to transfer the amount of combined excess reserves that exceed \$2,500,000,000 in the calendar year 2022 to the pre-1996 account of the Indiana state teachers' retirement fund. Amends provisions that provide for an automatic taxpayer refund if sufficient excess reserves are available to: (1) clarify the tax return filing requirement for a refund; (2) require that refunds be distributed before May 1 of the calendar year immediately following the year in which a determination is made that the state has excess reserves; (3) remove provisions that require a taxpayer to have adjusted gross income tax liability in order to qualify for the refund; and (4) remove provisions that require the refund to be made in the form of a refundable tax credit. Provides that the minimum valuation limitation applicable to the total amount of a taxpayer's assessable depreciable personal property in a taxing district is 30% of the adjusted cost of the depreciable personal property purchased before

January 2, 2022. Provides an exemption from the 30% minimum valuation limitation for new depreciable personal property purchased after January 1, 2022. Requires the department of local government finance to develop or amend forms for property taxation of assessable depreciable personal property. Repeals the utility receipts and utility services use taxes. Provides a state income tax credit for property taxes paid on certain business personal property. Specifies a formula for determining the amount of the credit. Removes the double direct test currently applied in production sales tax exemptions. Phases down the individual adjusted gross income tax rate from 3.23% in 2022 to 3% in 2026 and thereafter. Allows a taxpayer to elect a special property tax valuation method for mini-mill equipment. Requires a utility that is subject to the jurisdiction of the Indiana utility regulatory commission (IURC) for the approval of rates and charges to file a rate adjustment with the IURC that adjusts the utility's rates and charges to reflect the repeal of the utility receipts tax. Requires a utility that is: (1) subject to the utility receipts tax; and (2) not under the jurisdiction of the IURC; to adjust the utility's rates and charges to reflect the repeal of the utility receipts tax. Requires each utility to provide notice to the utility's customers that the adjustment in rates and charges reflects the repeal of the utility receipts tax. Specifies definitions for the income tax credit for property taxes paid on certain business personal property. Specifies how certain taxpayers claim the tax credit. Specifies taxpayer procedure for the repeal of the utility receipts and utility services use tax. Makes conforming changes.

**Current Status:** 1/20/2022 - Senate sponsor: Senator Mishler

**Recent Status:** 1/20/2022 - Rule 105.2 suspended

1/20/2022 - Third reading passed; Roll Call 39: yeas 68, nays 25

**State Bill Page:** [HB1002](#)

**HB1063 DE NOVO JUDICIAL REVIEW OF CERTAIN AGENCY ACTIONS (JETER C)** Requires a court to try disputed issues of fact de novo in a judicial review of certain agency actions. Provides that the burden of proving the validity of certain agency actions is the same as in the hearing before the agency. Requires the court in a judicial review of an agency action to review all issues of law and fact de novo and without deference to any previous interpretation made by the agency. Specifies that a monetary penalty issued by an agency may not be excessive and that a court may review a monetary penalty de novo to determine if the penalty is excessive.

**Current Status:** 1/20/2022 - Senate sponsor: Senator Koch

**Recent Status:** 1/20/2022 - Third reading passed; Roll Call 42: yeas 74, nays 17

1/20/2022 - added as coauthor Representative Young J

**State Bill Page:** [HB1063](#)

**HB1082 PROPERTY TAX RATES (THOMPSON J)** Phases down the minimum valuation floor for depreciable personal property in a taxing district from 30% to 15% over a five year period beginning with the 2023 assessment date. Provides that, notwithstanding any increase in assessed value of property from the previous assessment date, the total amount of operating referendum tax that may be levied by a school corporation for taxes first due and payable in 2022 may not increase by more than 5% over the maximum operating referendum tax that could be levied by the school corporation in the previous year. Specifies that the statute requiring the adjustment of certain property tax rates does not apply to a local airport authority's cumulative building fund tax rate. Specifies that a political subdivision may increase the tax rate for its cumulative building fund without complying with procedures under the cumulative fund statute. Requires a political subdivision to give notice of the proposed increase and hold a public hearing on the proposal before increasing the tax rate. Makes technical corrections.

**Current Status:** 1/4/2022 - Referred to House Ways and Means

**Recent Status:** 1/4/2022 - First Reading  
1/4/2022 - Authored By Jeffrey Thompson  
**State Bill Page:** [HB1082](#)

**HB1100**     **AGENCY OVERSIGHT AND RULEMAKING PROCEDURES** (BARTELS S) With certain exceptions, requires an agency to repeal a rule before the agency may adopt a new rule that requires or prohibits an action on behalf of a person. Prohibits an executive order issued by the governor from being effective for more than 180 days unless the general assembly approves the extended enforcement of the executive order. Requires an agency to submit an emergency rule to the attorney general for review and approval before the emergency rule may take effect. Provides that emergency rules may not be effective for a period that exceeds 180 days. Provides that certain emergency rules expire not more than two years after the rule takes effect. Requires an agency adopting an administrative rule to submit an economic impact statement and an explanation of any penalty, fine, or other similar negative impact included in the proposed rule to the publisher of the Indiana administrative code (publisher). Requires the publisher to provide a copy of the materials concerning a proposed rule or pending readoption to the members of the appropriate standing committee. Provides that administrative rules expire on July 1 of the fourth year after the year in which the rule takes effect (instead of January 1 of the seventh year after the year in which the rule takes effect). Requires an agency intending to readopt an administrative rule to provide to the publisher, not later than January 1 of the third year after the year in which the rule most recently took effect: (1) notice of; and (2) information concerning; the pending readoption. Makes corresponding changes.

**Current Status:** 1/24/2022 - House Ways and Means, (Bill Scheduled for Hearing)

**Recent Status:** 1/20/2022 - Referred to House Ways and Means  
1/12/2022 - Committee Report amend do pass, adopted

**State Bill Page:** [HB1100](#)

**HB1136**     **NET METERING FOR ELECTRICITY GENERATION** (COOK A) Amends the statute concerning distributed electricity generation as follows: (1) Defines a "public use customer" of an electricity supplier as a customer that is: (A) a school corporation; or (B) a local unit. (2) Provides that an electricity supplier's net metering tariff must be made and remain available to customers until the earlier of: (A) January 1 of the first calendar year after the calendar year in which the aggregate amount of net metering facility nameplate capacity under the electricity supplier's net metering tariff equals at least 3% (versus 1.5% under current law) of the electricity supplier's most recent summer peak load; or (B) July 1, 2025 (versus July 1, 2022, under current law). (3) Provides that before July 1, 2022, an electricity supplier shall amend its net metering tariff, or file a new net metering tariff with the utility regulatory commission (IURC), to do the following: (A) Establish as the allowed limit on the aggregate amount of net metering facility nameplate capacity under the tariff an amount equal to at least 3% of the electricity supplier's most recent summer peak load. (B) Allow a public use customer that: (i) operates a net metering facility on a premises that the public use customer owns or controls before the installation of the net metering facility; and (ii) is billed by the electricity supplier for electricity measured at more than one meter; to choose to be billed or credited for the difference between the kilowatt hours delivered by the electricity supplier as measured by any one or more of those meters, not to exceed three, and the kilowatt hours generated and delivered to the electricity supplier by the net metering facility. (4) Provides that before July 1, 2022, the IURC shall make similar amendments to its net metering rules. (5) Specifies that any repairs, updates, or upgrades to portions of a net metering facility that do not increase the nameplate capacity of the net metering facility are not considered a replacement of the net metering facility for purposes

of certain provisions providing for the extended availability of an electricity supplier's net metering tariff for customers that install a net metering facility before certain specified deadlines. (6) Specifies that net metering customers must comply with certain safety, performance, and reliability standards with which customers that produce distributed generation must comply. (7) Specifies that a net metering customer has certain rights regarding the installation and ownership of a net metering facility that a customer that produces distributed generation has with respect to the installation and ownership of distributed generation equipment. (8) Adds a noncode provision staying the implementation of a rate or tariff for the procurement of excess distributed generation for which an electricity supplier has applied or received approval from the IURC under current law, until such time as the conditions for the expiration of the electricity supplier's net metering tariff, as set forth in the bill, apply to the electricity supplier.

**Current Status:** 1/6/2022 - Referred to Committee on Utilities, Energy and Telecommunications

**Recent Status:** 1/6/2022 - First Reading  
1/6/2022 - Coauthored by Representative Schaibley

**State Bill Page:** [HB1136](#)

**HB1153**     **WORKER'S COMPENSATION** (LEHMAN M) Provides that if, after the occurrence of an accident, compensation is paid for temporary total disability or temporary partial disability, then the two year limitation period to file an application for adjustment of claim begins to run on the last date for which the compensation was paid. Increases benefits for injuries and disablements by 2% each year for four years, beginning on July 1, 2022. Adds the following to the definition of "medical service facility" under the worker's compensation law: (1) An ambulatory outpatient surgical center. (2) An office where the practice of an occupational therapist, a physical therapist, or a physician or a group of physicians is owned by a hospital. Makes certain changes to the definition of "pecuniary liability". Establishes clean claim payment requirements related to worker's compensation claims. Makes conforming amendments.

**Current Status:** 1/24/2022 - House Bills on Second Reading

**Recent Status:** 1/20/2022 - Committee Report amend do pass, adopted  
1/20/2022 - House Committee recommends passage, as amended Yeas: 9; Nays: 4;

**State Bill Page:** [HB1153](#)

**HB1215**     **WORK SHARING UNEMPLOYMENT INSURANCE PROGRAM** (HATFIELD R) Establishes a work sharing unemployment insurance program (program). Requires an employer that desires to participate in the program to submit a work sharing plan for approval by the commissioner of the department of workforce development. Establishes the work sharing benefit as equal to an affected employee's unemployment benefit reduced by a percentage equal to the percentage of the employee's normal weekly work hours that the employee works under the approved work sharing plan.

**Current Status:** 1/6/2022 - Referred to House Employment, Labor and Pensions

**Recent Status:** 1/6/2022 - First Reading  
1/6/2022 - Authored By Ryan Hatfield

**State Bill Page:** [HB1215](#)

**HB1280**     **AIR POLLUTION** (MOED J) Defines "odor nuisance" as a situation in which the repeated or persistent discharge into the outdoor atmosphere of air contaminants causes an odor that: (1) substantially obstructs the free use of property; or (2) is injurious to human health. Requires the environmental rules board (board) to adopt administrative rules that:

(1) establish a means of determining when an odor nuisance exists; and (2) identify practical and economically feasible methods of eliminating odor nuisances at their source. Sets forth certain: (1) means of determining when an odor nuisance exists; and (2) methods of eliminating odor nuisances; that the board may include in the rules. Authorizes the commissioner of the department of environmental management (commissioner) to order a person that creates an odor nuisance in a city to implement one or more of the methods of eliminating the odor nuisance. Provides that a person who violates an order of the commissioner is subject to a civil penalty. Authorizes the department of environmental management to bring a civil action to enjoin a person's violation of an order of the commissioner. Provides that one or more persons adversely affected by a purported odor nuisance in a city may bring an action to abate the purported odor nuisance. Provides that if the commissioner issues an order under the air pollution control laws directing a person to cease and desist, imposing a monetary penalty, mandating corrective action, or revoking or modifying a permit, and if the commissioner's order is stayed during an administrative appeal, the stay of the order expires not more than 180 days after it begins. Provides that if the commissioner's order is later determined to have been an abuse of discretion, arbitrary and capricious, contrary to substantial or reliable evidence, or contrary to law, the effects of the order will be reversed.

**Current Status:** 1/10/2022 - Referred to House Environmental Affairs

**Recent Status:** 1/10/2022 - First Reading

1/10/2022 - Authored By Justin Moed

**State Bill Page:** [HB1280](#)

#### **HB1304**

**DISTRIBUTED ENERGY GENERATION (MORRISON A)** Amends as follows the statute concerning electricity supplied to and generated by an electricity supplier's customers who own a distributed generation facility: (1) Specifies that "excess distributed generation" means the difference between: (A) the kilowatt hours of electricity generated by a customer and supplied back to the electricity supplier; and (B) the kilowatt hours of electricity delivered by the electricity supplier to the customer; as netted over the monthly billing period. (2) Provides for: (A) the billing or crediting, on a monthly basis, of a distributed generation customer for the kilowatt hours of electricity received by or supplied by the customer, as applicable; and (B) the rates at which the customer is to be credited or billed, as applicable, for those kilowatt hours. (3) Makes conforming changes in other provisions of the statute. Adds a noncode provision to address electricity suppliers that have applied for approval, or received approval, for an excess distributed generation rate or tariff from the utility regulatory commission (IURC) under current law, and to require that: (1) the IURC not approve any pending petitions unless those petitions comply with the bill's provisions; and (2) an electricity supplier that has been granted approval by the IURC of an excess distributed generation rate and tariff to file with the IURC, not later than 30 days after the enactment of the bill, an amended rate and tariff, so that both the rate and the tariff, as amended, comply with the bill's provisions.

**Current Status:** 1/11/2022 - Referred to House Utilities, Energy and Telecommunications

**Recent Status:** 1/11/2022 - First Reading

1/11/2022 - Authored By Alan Morrison

**State Bill Page:** [HB1304](#)

#### **SB199**

**WORKER'S COMPENSATION (POL JR. R)** Provides that if, after the occurrence of an accident, compensation is paid for temporary total disability or temporary partial disability, then the two year limitation period to file an application for adjustment of claim begins to run on the last date for which such compensation was paid. Increases benefits for injuries and disablements by: (1) 10% on and after July 1, 2022; (2) 6% on and after July 1, 2023;

(3) 4% on and after July 1, 2024; (4) 4% on and after July 1, 2025; (5) 4% on and after July 1, 2026; and (6) 4% on and after July 1, 2027. Makes conforming amendments.

**Current Status:** 1/6/2022 - Referred to Senate Pensions and Labor

**Recent Status:** 1/6/2022 - First Reading  
1/6/2022 - Authored By Rodney Pol Jr

**State Bill Page:** [SB199](#)

**SB248**

**DISTRIBUTED ENERGY GENERATION** (BROWN L) Amends as follows the statute concerning electricity supplied to and generated by an electricity supplier's customers who own a distributed generation facility: (1) Specifies that "excess distributed generation" means the difference between: (A) the kilowatt hours of electricity generated by a customer and supplied back to the electricity supplier; and (B) the kilowatt hours of electricity delivered by the electricity supplier to the customer; as netted over the monthly billing period. (2) Provides for: (A) the billing or crediting, on a monthly basis, of a distributed generation customer for the kilowatt hours of electricity received by or supplied by the customer, as applicable; and (B) the rates at which the customer is to be credited or billed, as applicable, for those kilowatt hours. (3) Makes conforming changes in other provisions of the statute. Adds a noncode provision to address electricity suppliers that have applied for approval, or received approval, for an excess distributed generation rate or tariff from the utility regulatory commission (IURC) under current law, and to require that: (1) the IURC not approve any pending petitions unless those petitions comply with the bill's provisions; and (2) an electricity supplier that has been granted approval by the IURC of an excess distributed generation rate and tariff to file with the IURC, not later than 30 days after the enactment of the bill, an amended rate and tariff, so that both the rate and the tariff, as amended, comply with the bill's provisions.

**Current Status:** 1/10/2022 - Referred to Senate Utilities

**Recent Status:** 1/10/2022 - First Reading  
1/10/2022 - Authored By Liz Brown

**State Bill Page:** [SB248](#)

**SB271**

**SMALL MODULAR NUCLEAR REACTORS** (KOCH E) Amends the statute governing certificates of public convenience and necessity (certificates) that are issued by the Indiana utility regulatory commission (IURC) for the construction, lease, or purchase of electric generation facilities to require the IURC, in consultation with the department of environmental management (department), to adopt rules concerning the granting of certificates for the construction, purchase, or lease of small modular nuclear reactors: (1) in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or (2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011. Requires the IURC to adopt the rules not later than July 1, 2023. Provides that the rules adopted by the IURC must provide that in acting on a public utility's petition for a certificate for one or more small modular nuclear reactors, the IURC shall consider the following: (1) Whether, and to what extent, the one or more small modular nuclear reactors proposed by the public utility will replace a loss of generating capacity in the public utility's portfolio resulting from the retirement or planned retirement of one or more of existing electric generating facilities that: (A) are located in Indiana; and (B) use coal or natural gas as a fuel source. (2) Whether one or more of the small modular nuclear reactors will be located on the same site as or near the facility to be retired and, if so, potential opportunities for the public utility to: (A) make use of any land and existing infrastructure or facilities already owned or under the control of the public utility; or (B) create new employment opportunities for workers who have been, or would be, displaced as a result of the retirement of the existing facility. Provides that the IURC's rules must provide that the IURC may grant a certificate under

circumstances and for locations other than these. Sets forth additional requirements for small modular nuclear reactors that must be included in the IURC's rules, including the requirement that the owner or operator of a proposed small modular nuclear reactor must provide evidence of a plan to apply for all licenses or permits to construct or operate the proposed small modular nuclear reactor required by the United States Nuclear Regulatory Commission, the department, or any other relevant state or federal regulatory agency. Amends the statute providing certain financial incentives for energy utilities that invest in clean energy projects by providing that, for purposes of the statute, a "clean energy project" and a "nuclear energy production or generating facility" include a small modular nuclear reactor that is constructed after June 30, 2023: (1) in Indiana for the generation of electricity to be used to furnish public utility service to Indiana customers; or (2) at the site of a nuclear energy production or generating facility that supplies electricity to Indiana retail customers on July 1, 2011; under the rules adopted by the IURC under the bill. Defines "small modular nuclear reactor" for purposes of the bill's provisions.

**Current Status:** 1/20/2022 - Senate Committee recommends passage, as amended Yeas: 8; Nays: 2;

**Recent Status:** 1/20/2022 - Senate Utilities, (Bill Scheduled for Hearing)  
1/10/2022 - added as second author Senator Doriot

**State Bill Page:** [SB271](#)

### **SB378**

**ASSESSMENT OF BUSINESS PERSONAL PROPERTY (BUCHANAN B)** Increases the acquisition cost threshold for the business personal property tax exemption from \$80,000 to \$250,000. Provides an exemption for business personal property regardless of the acquisition cost that applies only if the property is placed in service in calendar year 2023. Allows the exemption for the entire useful life of the property. Requires the department of local government finance to adopt rules to amend the Indiana Administrative Code to reduce the minimum valuation percentage for depreciable personal property from 30% to 27.5% for the 2023 assessment date, and to 25% for assessment dates beginning in 2024 and thereafter. Amends the county option exemption for business personal property to allow counties to adopt an exemption ordinance that applies only to the first five year period after new business personal property is placed in service and that would require the personal property to be placed back on the tax rolls beginning in the sixth year of its useful life. Makes conforming changes.

**Current Status:** 1/25/2022 - Senate Tax and Fiscal Policy, (Bill Scheduled for Hearing)

**Recent Status:** 1/11/2022 - Senate Tax and Fiscal Policy, (Bill Scheduled for Hearing)

1/10/2022 - Referred to Senate Tax and Fiscal Policy

**State Bill Page:** [SB378](#)