

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. Specifies that the orders and recommendations are inadmissible at trial to establish that a new cause of action has been created or proof of a duty or a 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 by clear and convincing evidence 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.
- Current Status:* 2/23/2021 - Referred to Senate Judiciary
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:* 2/18/2021 - Referred to Senate Pensions and Labor
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 the department shall recalculate and apply permit fees for annual and trip permits based on the 2014 Purdue Study, and shall consider the impact of overweight divisible loads on roads and highways. Provides that not more than 118,950 trip permits may be issued annually for applicants with a total equivalent single axle load calculation is more than 2.40 equivalent single axle load credit. Provides that if the number of permits issued comes close to the set limits, the department may give preference to those applicants that have obtained prior permits before January 1, 2021, for overweight divisible loads, not to exceed the number of permits previously issued to that applicant. 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. Requires, beginning July 1, 2022, annual reports from the department 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. Requires, beginning July 1, 2022, annual reports from the Indiana state police department 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 which should include the number of accidents resulting in property damage, and the number of accidents resulting in personal injury. Provides that a local authority may apply for grant permits for transporting overweight divisible loads on local streets under the control of the local authority. Makes conforming changes.

Current Status: 2/24/2021 - Referred to Senate Homeland Security and Transportation

State Bill Page: [HB1190](#)

HB1191 LOCAL UNIT POWER TO PROHIBIT UTILITY CONNECTION (PRESSEL J) Provides that the legislative body of a city or town or a county executive 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. Prohibits a state educational institution from adopting a rule or policy that would: (1) prohibit or restrict the manner in which electrical energy that is supplied to its facilities is generated, transmitted, or distributed, unless the prohibition or restriction: (A) would result in net monetary savings to the state educational institution; or (B) is in furtherance of an established academic discipline of the state educational institution as of January 1, 2021; (2) require: (A) the use of a particular component or type of material in the construction of a campus building solely because of the energy saving or energy producing qualities of the component or material; or (B) the retrofitting of a campus building with a particular device or material solely because of the energy saving or energy producing qualities of the device or material; unless the requirement can reasonably be expected to result in net monetary savings within 10 years after installation of the component, material, or device; or (3) prohibit, restrict, give preference to, or establish any condition concerning the purchase or use of motor vehicles by the state educational institution based upon the type of energy that powers the motor vehicle, unless the state educational institution's policy: (A) would result in net monetary savings to the state educational institution over the life of the motor vehicle; or (B) is in furtherance of an established academic discipline of the state educational institution as of January 1, 2021. Provides that 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.

Current Status: 2/18/2021 - Referred to Senate Utilities

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 15 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) 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: 2/18/2021 - Referred to Senate Utilities

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: 2/24/2021 - Referred to Senate Pensions and Labor

State Bill Page: [HB1309](#)

HB1397

TECHNICAL TRAINING AND WORKFORCE DEVELOPMENT (GOODRICH C) Provides that the governor's workforce cabinet may establish a course catalog that shall list all: (1) work based learning, preapprenticeship, and apprenticeship opportunities in Indiana; and (2) providers that are eligible to receive high value workforce ready grants. Provides that a high school may replace certain high school courses on the high school transcript with alternative courses in science, technology, engineering, or mathematics (STEM) in order to satisfy an Indiana diploma with a Core 40 with academic honors designation or another designation requirement.

Current Status: 2/18/2021 - Referred to Senate

State Bill Page: [HB1397](#)

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: 2/23/2021 - Referred to Senate Utilities

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 - **SIGNED BY GOVERNOR**

State Bill Page: [SB1](#)

SB220

WORKER'S COMPENSATION (TALLIAN K) 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 2% each year for three years, beginning on July 1, 2021. Makes conforming amendments.

Current Status: 2/16/2021 - added as third author Senator Ford Jon

State Bill Page: [SB220](#)

SB271

THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (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: (1) the property owner must mail a copy of the exemption claim to the department of environmental management (department); (2) the department may certify to the assessor its written determination whether the property for which the exemption is claimed is being used as an industrial waste control facility; and (3) 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 after the property owner mailed the exemption claim to the department. 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.

Current Status: 2/9/2021 - House sponsor: Representative Gutwein

State Bill Page: [SB271](#)