

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 related to the provision of health care services during a state disaster emergency. Provides that the protection applies to the provision of health care services after February 29, 2020, and before April 1, 2022. Provides that a health care provider is not protected from professional discipline if the health care provider's action, omission, decision, or compliance constitutes gross negligence or willful misconduct. 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 the health care provider's actions are undertaken in good faith and in response to a lack of resources caused by a state disaster emergency. 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 bringing a civil action against another person based in whole or in part on an allegation that the person's loss, damage, injury, or death was caused by the: (1) exposure to COVID-19; (2) transmission of COVID-19; or (3) contraction of COVID-19; unless the person establishes that the other person caused the loss, damage, injury, or death by an act or omission constituting gross negligence or willful misconduct. 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 or willful misconduct. 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 or willful misconduct. Provides immunity from civil liability to certain persons, entities, and facilities providing health care services after February 29, 2020, and before April 1, 2022, for certain acts or omissions related to the provision of health care services during a state disaster emergency.

Current Status: 1/12/2021 - House Judiciary, (Bill Scheduled for Hearing)

State Bill Page: [HB1002](#)

HB1014 **HAZARDOUS MATERIALS FACILITIES NEAR WATERWAYS** (JACKSON C) Requires the department of environmental management (department) to make quarterly inspections of a facility if: (1) one or more hazardous materials are present in the facility in more than a minimal quantity on at least 30 days per year; and (2) because of the physical proximity of the facility to a surface body of water, there is a substantial risk that a hazardous material accidentally released from the facility will enter the surface body of water. Provides that an inspection of a facility must determine whether the hazardous materials present in the facility are being stored and handled safely and whether reasonable steps are being taken to prevent releases of hazardous materials from the facility. Authorizes the department to delegate its investigation responsibility to an agency or department of a city, town, or county under certain circumstances. Requires the environmental rules board to adopt: (1) rules concerning the identification of facilities to which the inspection requirement applies; and (2) rules establishing requirements for the safe handling and storage of hazardous materials in facilities, the prevention of releases of hazardous

materials from facilities into surface bodies of water, and the performance of quarterly inspections of facilities.

Current Status: 1/4/2021 - Referred to House Environmental Affairs

State Bill Page: [HB1014](#)

HB1116 PIPING MATERIALS FOR PUBLIC WORKS PROJECTS (MILLER D) Defines "acceptable piping material" as piping material that: (1) meets certain recognized standards; and (2) meets the performance specifications for the public works contract. Provides, for purposes of the law on public works projects of state agencies and political subdivisions, including design-build public works projects, that the specifications or design criteria package must allow bidding in open competition for acquisition of acceptable piping materials for use in the public works project. Provides, however, that a public works project's engineer is not limited in selecting any acceptable piping materials that meet the requirements of the public works project.

Current Status: 1/7/2021 - Referred to House Government and Regulatory Reform

State Bill Page: [HB1116](#)

HB1129 PFAS IN PUBLIC WATER SYSTEMS (DVORAK R) Requires the state department of health (state department) to establish state maximum contaminant levels for PFAS in water provided by public water systems. Provides that maximum contaminant levels established by the state department: (1) must be protective of public health, including the health of vulnerable subpopulations; and (2) may not be less stringent than any maximum contaminant level or health advisory promulgated by the United States Environmental Protection Agency.

Current Status: 1/7/2021 - Referred to House Environmental Affairs

State Bill Page: [HB1129](#)

HB1151 NOTICE OF ENVIRONMENTAL CONTAMINATION (BOY P) Requires a person who causes a spill of certain substances into waters of the state to report the spill immediately to the following: (1) The department of environmental management (department). (2) The county health officer of each county that may be affected by the spill. (3) A water user within five miles upstream and 25 miles downstream of where the spill occurred. (4) At least one emergency response agency. (5) Each park located in the county in which the spill occurred. Requires the department, the county health officer, the water user, the emergency response agency, and each park (entity) to: (1) post the information received about the spill on each entity's Internet web site; and (2) in a manner determined by each entity, make the information received about the spill available to the public. Provides that a county health officer who receives a report of a spill must notify: (1) each park located within five miles upstream and 25 miles downstream of where the spill occurred; and (2) news media in each county that may be affected by the spill. Provides that a person who fails to make the required report is liable for a civil penalty determined by the board. Provides that a person who knowingly or intentionally fails to make the report required by this act commits a Class A misdemeanor. Specifies that a person commits a Level 6 felony if the person has a prior unrelated conviction for a violation of the reporting requirements. Provides that money collected for a civil violation of the reporting requirements shall be deposited into the environmental management special fund. Adds definitions of "water user", "objectionable substance", "park", and "spill". Makes conforming changes.

Current Status: 1/7/2021 - Referred to House Environmental Affairs

State Bill Page: [HB1151](#)

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: 1/7/2021 - Referred to House Employment, Labor and Pensions

State Bill Page: [HB1152](#)

HB1190 OVERWEIGHT TRUCK PERMITS (PRESSEL J) 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 an application for a permit must demonstrate that: (1) rail transportation is not an option for transporting the resources; (2) other transportation options that do not include travel using a permit have been exhausted; and (3) as a result of the lack of transportation options for this resource, supply chain interruptions or supply dock backlogs exist. Provides that if the department grants a permit to an applicant whose total equivalent single axle load calculation is equal to or less than 2.40 equivalent single axle load credit, the department shall issue the permit monthly and there is not a limit to the number of permits that may be issued. Provides that, for applicants whose total equivalent single axle load calculation is more than 2.40 equivalent single axle load credit, the department may issue not more than 9,500 permits per month or 114,000 permits annually. Makes a conforming amendment.

Current Status: 1/7/2021 - Referred to House Roads 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. Provides that any code, ordinance, land use regulation, or general or specific plan provision adopted by the legislative body of a city or town or a county executive must preserve the ability of an owner of private property to use the utility service of a utility service provider that is authorized by state law to provide the utility service.

Current Status: 1/13/2021 - House Utilities, Energy and Telecommunications, (Bill Scheduled for Hearing)

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: 1/14/2021 - Referred to House Utilities, Energy and Telecommunications

State Bill Page: [HB1220](#)

HB1245 PREGNANCY AND CHILDBIRTH DISCRIMINATION (BAUER M) Prohibits an employer from discriminating against a pregnant job applicant or employee. Requires an employer to provide reasonable employment accommodations for a pregnant employee. Requires the civil rights commission to investigate complaints and attempt to resolve complaints.

Current Status: 1/14/2021 - Referred to House Employment, Labor and Pensions

State Bill Page: [HB1245](#)

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. 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: 1/14/2021 - Referred to Committee on Employment, Labor and Pensions

State Bill Page: [HB1309](#)

HB1344 GREENHOUSE GAS EMISSIONS INVENTORY GRANT PROGRAM (BOY P) Requires the department of environmental management (department) to establish and administer the greenhouse gas emissions inventory grant program. Provides that the department may award a grant to a town, city, or county that partners with the Indiana Sustainability Development Program or any other accredited college or university in Indiana with a similar program to conduct a greenhouse gas inventory. Provides that a grant may not exceed \$1,000 for a town, city, or county having a population of less than 100,000, or \$2,000 for a town, city, or county having a population of more than 100,000. Allows the department to award a grant of more than \$2,000 to a town, city, or county having a population of more than 200,000 if money is available in the fund. Establishes the greenhouse gas emissions inventory fund.

Current Status: 1/14/2021 - Referred to House Environmental Affairs

State Bill Page: [HB1344](#)

HB1358 PREGNANCY AND CHILDBIRTH ACCOMMODATION (NEGELE S) Requires an employer to provide reasonable employment accommodations for a pregnant employee. Requires the department of labor to investigate complaints and attempt to resolve complaints through the use of an administrative law judge. Allows for appeals.

Current Status: 1/14/2021 - Referred to House Employment, Labor and Pensions

State Bill Page: [HB1358](#)

HB1359 **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 (department) 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 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 of the department 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: 1/14/2021 - Referred to Committee on Environmental Affairs

State Bill Page: [HB1359](#)

HB1380 **ENVIRONMENTAL NUISANCE ACTIONS** (MORRISON A) Specifies that a civil action brought for monetary or injunctive relief due to the discharge of a contaminant in substantial compliance with a permit issued by the United States Environmental Protection Agency (EPA) or the Indiana department of environmental management (IDEM) may be brought only as a nuisance action. Defines "stigma damages" and specifies that in a nuisance action brought in connection with a discharge that substantially complies with an EPA or IDEM permit, the plaintiff: (1) must establish certain damages by clear and convincing evidence; and (2) is not entitled to stigma damages.

Current Status: 1/14/2021 - Referred to Committee on Environmental Affairs

State Bill Page: [HB1380](#)

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. Makes changes to the career and technical education funding formula. Makes technical corrections and removes obsolete provisions.

Current Status: 1/14/2021 - Referred to Committee on Education

State Bill Page: [HB1397](#)

SB1 **CIVIL IMMUNITY RELATED TO COVID-19** (MESSMER M) Provides civil immunity for damages resulting from exposure of an individual to 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. Defines "COVID-19 protective product" and provides civil 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). Limits specified immunities to tort actions. Exempts fraud and intentionally tortious acts from specified immunities.

Current Status: 1/14/2021 - added as coauthor Senator Kruse

State Bill Page: [SB1](#)

SB44 **WORK SHARING UNEMPLOYMENT BENEFITS PROGRAM** (BASSLER E) 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: 1/14/2021 - added as coauthor Senator Ford J.D

State Bill Page: [SB44](#)

SB74 **WORKPLACE IMMUNIZATION PROHIBITION** (KRUSE D) Prohibits an employer from requiring, as a condition of employment, an employee or prospective employee to receive any immunization if the immunization is medically contraindicated for the employee or receiving the immunization is against the employee's religious beliefs or conscience. Allows for a civil action against an employer for a violation.

Current Status: 1/14/2021 - added as coauthors Senators Young M and Niezgodski

State Bill Page: [SB74](#)

SB220 **WORKER'S COMPENSATION** (TALLIAN K) Provides that a claim for compensation must be filed with the worker's compensation board within two years after the last date on which compensation for temporary total disability, temporary partial disability, or suitable alternative work was paid. Increases benefits for injuries and disablements by: (1) 10% on and after July 1, 2021; (2) 6% on and after July 1, 2022; (3) 4% on and after July 1, 2023; (4) 4% on and after July 1, 2024; (5) 4% on and after July 1, 2025; and (6) 4% on and after July 1, 2026. Makes conforming amendments.

Current Status: 1/14/2021 - added as second author Senator Boots

State Bill Page: [SB220](#)

SB249 **NET METERING FOR ELECTRICITY GENERATION** (ALTING R) Amends the statute concerning distributed electricity generation as follows: (1) 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 5% (versus 1.5% under current law) of the electricity supplier's most recent summer peak load; or (B) July 1, 2024 (versus July 1, 2022, under current law). (2) Provides that before July 1, 2021, each electricity supplier shall petition the utility regulatory commission (IURC) for approval of an amended or a new net metering tariff to do the following: (A) Establish as the allowed limit on the aggregate amount of net metering facility nameplate capacity under the net metering tariff an amount equal to at least 5% (versus 1.5% under current law) of the most recent summer peak load of the electricity supplier. (B) Establish a required reservation of

capacity under the nameplate capacity limit to require the reservation of: (i) 30% (versus 40% under current law) of the capacity for participation by residential customers; and (ii) 5% (versus 15% under current law) of the capacity for participation by customers that install a net metering facility that uses organic waste biomass. (3) Makes conforming amendments. Adds a noncode provision staying the implementation of a rate 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: 1/11/2021 - Referred to Senate Utilities

State Bill Page: [SB249](#)

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: 1/11/2021 - Referred to Senate Environmental Affairs

State Bill Page: [SB271](#)