

The Cope...



INCMA's Monthly Newsletter

May 2021

2021 LEGISLATIVE SESSION CONCLUDES

The 2021 legislative session wrapped up on April 22nd. Legislators plan to return to Indianapolis in September to establish legislative districts based on recent census data. This session was dominated by action on COVID-19 liability protections and limiting the powers of the governor during a health emergency. After several months of restrictions dealing with the pandemic, there was a strong appetite to attempt changing or further define the roll of the executive branch during emergencies. Legislators passed [House Enrolled Act 1123](#) in an effort to get the legislature more involved in emergency response. A feature of the bill would allow the legislature to call itself into an "emergency session". HEA 1123 was vetoed by Governor Holcomb and that veto was overridden by the legislature while they were still in session. The Governor contends the State Constitution provides the power to call a special session only to the Governor. Litigation on the matter has been filed by the Governor.

[Click here](#) to read the lawsuit. INCMA lobbyists were active on many fronts and following several key pieces of legislation. The following are a few of the most significant issues with an update on their status.



COVID - 19 Liability
[HEA 1002](#) and [SEA 1](#) both provide protection from liability resulting from COVID - 19. While the bills are substantially similar, HB 1002 addresses some liability issues faced by health care providers. SB 1 was signed into law by the Governor on February 18th. HB 1002 was returned to the House amended but was concurred upon.

Labor and Employment
Unemployment Insurance – [HEA 1152](#) seeks to provide clarity where overpayment of benefits has occurred due to fraud or failure to disclose other wages. The bill was signed by the Gov. on April 8

Pregnancy Accommodations – Employees may request accommodations for their pregnancy under [HEA 1309](#). The employer must respond to the request but is not obligated to provide the accommodations. The Governor signed the bill.

Workers Compensation – [SB 220](#) would have provided an increase in benefits by 2% a year for 3 years. Increases have been initiated in the Senate for the last several years but not entertained in the House. The bill was not heard in the House.

Energy
21st Century Policy Task Force – Put in place to discuss and develop state energy policy, the Task Force will be extended by [HEA 1220](#). The makeup of the group changes with this bill to include fewer lay persons and more legislators. Changes made in the Senate were accepted by the House and the bill was signed by the Governor.

Cost Securitization – Under [SEA 386](#), utility assets not yet fully depreciated but scheduled to be taken off-line would utilize

bonds for the securitization of certain qualified costs. Proponents of the bill offer that the bonding mechanism could result in overall lower cost for ratepayers. The Senate accepted the changes made in the House and the bill was signed by the Governor. INCMA thanks everyone for their efforts this year!

INCMA ENVIRONMENTAL COMMITTEE TO MEET

INCMA's Environmental Committee will meet virtually on June 8th. New IDEM efforts on spill reporting and secondary containment will be discussed among other issues. Please contact INCMA to participate.

WHAT CAN BE EXPECTED UNDER NEW OSHA HEAD

President Biden has nominated Doug Parker to head up OSHA. [What might this mean to you?](#)

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