



## Legislative Update

### 121<sup>st</sup> General Assembly

Friday, February 15, 2019



#### Week Six Overview

The General Assembly showed no signs of slowing down this week, with numerous pieces of legislation passed in both the House and Senate chambers. Senators and Representatives are bustling to get their legislation heard in committee before the quickly approaching committee deadlines next week. The House of Representatives committee report deadline is on Tuesday, February 19<sup>th</sup> and the Senate's deadline for committee reports is two days later on Thursday, February 21<sup>st</sup>. Bills that do not receive a hearing by those dates will not advance this session.

Looking ahead, more deadlines are coming. The last day for the Senate to hear a bill on second reading is Monday, February 25<sup>th</sup> with the third reading deadline scheduled for Tuesday, February 26<sup>th</sup>. The House of Representatives has earlier deadlines than the Senate. The final day the House can hear bills on second reading is Monday February 21<sup>st</sup>, and their third reading deadline is set for Monday, February 25<sup>th</sup>. The Legislature will then take a short break from February 27<sup>th</sup> to March 3<sup>rd</sup>.

As a reminder, this is a long session of the General Assembly and is scheduled to conclude no later than April 29, 2019.



#### Points of Interest

##### *Entertainment*

Senate Bill 179, Entertainment (Sen. Ron Alting (R-Lafayette) and Sen Mike Bohacek (R-Michiana Shores))- This legislation changes the definition of "entertainment" for purposes of alcohol regulation. It would now include meals, drinks, and ground transportation in connection with entertainment. It also allows premises used by a nonprofit for music or theatrical entertainment to be classified as "entertainment complexes" as long as it can seat 200 people and is located within a one mile radius of the center of a consolidated city. This legislation passed its third reading on Monday, February 11<sup>th</sup> and will now move to the House of Representatives to repeat the legislative process again.

## ***Healthcare***

*Senate Bill 394, Advanced Practice Registered Nurses (Sen. Ed Charbonneau (R-Valparaiso) and Sen. Michael Crider (R-Greenfield))*- This piece of legislation passed its second reading on Monday and passed its third reading on Tuesday. It will now begin the process over again in the House of Representatives. It provides that an advanced practice registered nurse who has prescriptive authority and has operated under a practice agreement with a practitioner for at least three years may operate without a practice agreement if certain conditions are met. A companion bill, HB 1097, Advanced Practice Registered Nurses (Rep. Ron Bacon (R-Chandler and Rep. Cindy Kirchhofer (R- Beech Grove)) also passed out of the House Public Health Committee on Wednesday. It is set for a floor vote next week.

## ***Courts and Criminal Code***

*House Bill 1333, Nonconsensual Pornography (Rep. Mike Speedy (R- Indianapolis))*- On Wednesday, February 13<sup>th</sup>, House Bill 1333 was heard in the Committee on Courts and Criminal Code. It passed out of committee and will now be scheduled for a second reading. The legislation allows for the prosecution of an individual who distributes “intimate images” obtained with an expectation of privacy. It would make the distribution of these “intimate images” a Class A misdemeanor with a second or subsequent penalty being a Level 6 felony.

## ***Natural Resources***

*House Bill 1513, Department of Natural Resources (Rep. Sean Eberhart (R- Shelbyville))*- This legislation concerns the Department of Natural Resources and centers around the topics of public works bidding and the Underground Petroleum Storage Tank Excess Liability Trust Fund (ELTF). This bill passed out of committee and will now be scheduled for a second reading.

## ***Hate Crimes***

*Senate Bill 12, Bias Motivated Crimes (Sen. Ron Alting (R-Lafayette) and Sen. Mike Bohacek (R-Michiana Shores))*- Ten pieces of legislation dealing with hate crimes have been filed this session, but this week it was announced that Senate Bill 12 would be the one to move forward. Senate Bill 12, titled Bias Motivated Crimes, includes a list of characteristics, like race and religion that can be used as aggravating circumstances in criminal sentencing. This bill would allow a judge in criminal court to increase the sentence of someone convicted of harming or intimidating a person or group specifically because of one of the listed characteristics.



## **Session Floor Highlights**

The following bills of interest all passed third reading in their respective chambers. Shortly, they will move to the opposite chamber for consideration.

## ***House of Representatives***

*House Bill 1065, Regional Holding Facility (Rep. Randall Frye (R- Greensburg))*- Specifies that a county sheriff may contract with the department of correction to transfer a confined jail offender from a county jail to a regional holding facility established and operated by the department if the county jail is overcrowded. Provides that reimbursements paid by the state to the county for the costs of incarcerating a confined jail offender shall be used to pay for a confined jail offender housed in either a regional holding facility or a county jail. Provides that the Indiana criminal justice institute shall identify any federal, state, or local grants that can be used to assist in the funding and operation of regional holding facilities.

*House Bill 1444, Taxation of Electronic Cigarettes (Rep. Timothy Brown (R-Crawfordsville))*- Imposes a tax on electronic cigarettes that contain nicotine at a rate of \$0.04 per fluid milliliter of consumable material. Deposits the revenue from the tax in the state general fund.

*House Bill 1473, Indiana Bond Bank (Rep. Gregory Steuerwald (R- Danville))*- Allows the Indiana bond bank to require certain entities to establish separate reserve accounts as additional security in connection with the issuance of bonds or notes. Allows and establishes terms and procedures for certain entities to assign or otherwise transfer a future stream of revenue to the Indiana bond bank or certain other entities to obtain funding. Establishes conditions under which the state board of finance may sell, transfer, or liquidate agreements that evidence the state's right to make deductions from state tuition support to pay advances from the common school fund under the school corporation and charter school safety advance program.

## ***Senate***

*Senate Bill 179, Entertainment (Sen. Ron Alting (R-Lafayette) and Sen. Mike Bohacek (R-Michiana Shores))*- Amends the definition of "entertainment" for purposes of alcohol regulation to include meals, beverages, and ground transportation provided in connection with entertainment. Provides that an "entertainment complex" includes a premises that is used by a nonprofit organization primarily for the professional performance of musical or theatrical entertainment that: (1) has audience seating for at least 200 individuals; and (2) is located entirely within a one mile radius of the center of the consolidated city.

*Senate Bill 434, Review of Category or Designation of School Performance and Alternate Diplomas (Sen. Andy Zay (R-Huntington), Sen. Jeff Raatz (R-Centerville), and Sen. Erin Houchin (R-Salem))*- Requires the state board of education (state board) to develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus primarily on providing an academic program for students with developmental, intellectual, or behavioral challenges. (*Current law requires the state board to develop alternative benchmarks, performance indicators, and accountability standards to be used in the assessment of schools that focus exclusively on providing an academic program for students with developmental, intellectual, or behavioral challenges.*) Provides that a school corporation or school may petition the state board for review of the school corporation's or school's category or designation of school performance based on objective factors that the school corporation or school considers relevant because the annual assessment data does not accurately reflect, as applicable, school performance, growth, or multiple measures. Provides that, after considering the petition for review, the state board

may direct the department of education (department) to revise the category or designation assigned to the school corporation or school. Provides that an alternate diploma must be considered as an option for a student if all other diploma options have been determined to be inappropriate for the student. Provides that if: (1) a student is unable to receive an alternate diploma due to the limitation that not more than 1% of students may receive alternate diplomas; and (2) the student's case conference committee determines that an alternate diploma for the student is appropriate; the school in which the student is enrolled shall request that the department grant a waiver of the limitation to allow the student to receive an alternate diploma if the student meets the requirements to receive the alternate diploma.

Senate Bill 480, Medicaid Nonemergency Medical Transport (Sen. Vaneta Becker (R-Evansville), Sen. Mark Messmer (R-Jasper), and Sen. Ed Charbonneau (R-Valparaiso))- Sets forth requirements for brokers of nonemergency medical transportation under the Medicaid fee-for-service program. Establishes the nonemergency medical transportation commission (commission) and sets forth duties of the commission. Requires the office of the secretary of family and social services to prepare before October 1, 2019, a report concerning nonemergency medical transportation Medicaid claims and submit the report to the commission.

Please feel free to contact a member of our legislative team should you have questions regarding the happenings in the Indiana General Assembly!

**Brian Burdick, Partner**

Office: (317) 231-7393

Email: [brian.burdick@btlaw.com](mailto:brian.burdick@btlaw.com)

**Joe Loftus, Partner**

Office: (317) 231-7213

Email: [joseph.loftus@btlaw.com](mailto:joseph.loftus@btlaw.com)

**Heather Willey, Partner**

Office: (317) 231-6448

Email: [heather.willey@btlaw.com](mailto:heather.willey@btlaw.com)

**Sabra Northam, Associate**

Office: (317) 231-7323

Email: [sabra.northam@btlaw.com](mailto:sabra.northam@btlaw.com)

**Jacob German, Associate**

Office: (317) 231-7538

Email: [Jacob.German@btlaw.com](mailto:Jacob.German@btlaw.com)

**Jordan Zakary, Legislative Intern**

Office: (317) 231-6145

Email: [Jordan.Zakary@btlaw.com](mailto:Jordan.Zakary@btlaw.com)

**Patrick Stone, Legislative Intern**

Office: (317) 231-6419

Email: [Patrick.Stone@btlaw.com](mailto:Patrick.Stone@btlaw.com)