



## Legislative Update

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

Friday, March 22nd, 2019

#### Week Eleven Overview

The eleventh week of session continued with a full committee schedule in the House of Representatives and the Senate. Both chambers of the legislature are in full swing, with committee reports, second readings, and third readings.

Many pieces of legislation passed a third reading this week. Those bills that were not amended by the second chamber becomes an enrolled act which will then go to the governor to either sign into law or veto. If there were amendments made by the second chamber, then the bill will return to the originating chamber who will either vote to approve the changes or refer the legislation to a conference committee. A conference committee is a joint committee made up of one member of each political party from each chamber. The conference committee will attempt to find a solution that will appease both chambers, and once they do the bill goes back to both chambers for approval. After this final approval by both chambers the legislation will then make its way to the governor's desk.

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

##### ***Local Government and Municipalities***

Senate Bill 375, Collecting Solid Waste Management District Fees (Sen. Rick Niemeyer (R-Lowell)) - This bill amends solid waste management district and local government laws to provide that, after June 30, 2019, a unit of local government may not enact an ordinance requiring a solid waste hauler or a hauler of recyclable materials to collect solid waste management fees and remit the fees to the board of a solid waste management district or a unit of local government. This piece of legislation passed out of the House Environmental Affairs Committee on Wednesday and it will now proceed to a second reading.

## ***Criminal Law***

*Senate Bill 28, Crimes involving synthetic Drugs (Sen. Mike Bohacek (R-Michigan City))* - This piece of legislation specifies that an "enhancing circumstance," for purposes of criminal law, includes a prior conviction for dealing or manufacturing a substance represented to be a controlled substance. It also makes certain misdemeanor prosecutions concerning synthetic drugs and synthetic lookalike drugs from eligibility for conditional discharge. The bill also makes the penalty for dealing or manufacturing a substance represented to be a controlled substance a felony of the same level as dealing or manufacturing the controlled substance that the substance is imitating. On Wednesday, this bill passed out of the House Committee on Courts and Criminal Code and will now receive a second reading.

## ***Taxation Matters***

*House Bill 1402, Innkeeper's Taxes and Other Local Taxes (Rep. Michael Karickhoff (R- Kokomo))* - This piece of legislation makes several changes to existing law regarding Innkeepers taxes in Vanderburgh, Clark, Floyd, Allen, White, Howard, and Knox Counties. It also authorizes the local governing bodies of Attica, Danville, Greenwood, and Whitestown to impose a food and beverage tax. The bill will also allow Brown County to impose a \$1 dollar tax for admission to their indoor performing arts center. On Tuesday, this bill passed out of the Senate Committee on Tax and Fiscal Policy and passed its second reading on Thursday.

*House Bill 1056, Property Tax Appeals (Rep. Ethan Manning (R- Denver))* - This legislation requires a county or township official who receives a written appeal notice from a taxpayer to forward the notice to the county auditor, if the taxpayer's claim is regarding a matter that is in the discretion of the county auditor. It makes the county auditor a party before the county property tax assessment board of appeals and for any appeal of the board's decision related to a matter that is in the discretion of the county auditor. Authorizes the county auditor to use the ineligible homestead fund to pay the costs of expenses related to an appeal.



## **Session Floor Highlights**

This week a number of bills successfully passed a third reading. If amendments were made then it both chambers will vote to approve the changes or form a conference committee to find a compromise. If no amendments were made bills that pass a third reading go to the governor's desk for approval.

## ***House of Representatives***

*Senate Bill 41, Newborn Screenings for Health Disorders (Sen. Michael Young (R- Indianapolis))* - Beginning July 1, 2020, this legislation requires, newborns to be

examined for the detection of: (1) Krabbe disease; (2) Pompe disease; and (3) Hurler syndrome.

*Senate Bill 176, Prescriptions (Sen. Ronald Grooms (R-Jeffersonville))* - Allows certain prescriptions to be transmitted electronically. Requires dentists, physicians, advanced practice registered nurses, optometrists, physician assistants, and podiatrists to issue a prescription for a controlled substance in an electronic format and by electronic transmission after December 31, 2020. Provides exceptions to issuing an electronically transmitted prescription for a controlled substance. Requires the Indiana board of pharmacy to adopt rules concerning electronically transmitted prescriptions for controlled substances. Provides that dentists, physicians, advanced practice registered nurses, optometrists, physician assistants, and podiatrists are subject to disciplinary action for violating these provisions. Requires a pharmacy to transfer, upon the request of a patient, a prescription for the patient that the pharmacy has received but not filled to another pharmacy. Sets forth exceptions. Urges the legislative council to assign to an appropriate interim study committee the task of studying: (1) the advantages, disadvantages, and feasibility of requiring health care providers to issue prescriptions in an electronic format and by electronic transmission; and (2) any exceptions that would be needed to a requirement for health care providers to issue prescriptions in an electronic format and by electronic transmission. Makes conforming changes.

*Senate Bill 551, Victims of Criminal Acts (Sen. Mark Messmer (R-Jasper))* - Provides that a new registration period may be imposed if a sex or violent offender fails to register or improperly registers as a sex or violent offender. Prohibits records held by the department of child services to be disclosed to any person who requests the record if it related to an ongoing police investigation or criminal prosecution. Provides that a parent, a guardian, or another representative may file a petition for an order for protection on behalf of a child against a person who engages in sexual grooming activity. Amends the definition of "crime of domestic violence". Creates a procedure where a victim of a sex crime and child victim of a sex crime can have their identity protected from the public. Provides that if a child less than 16 years of age is summoned to testify as a witness to any hearing in any criminal matter, the child shall be allowed to have a comfort item or comfort animal while testifying. Expands the list of offenses that may be prosecuted before a victim reaches 31 years of age to include all offenses of child molesting, vicarious sexual gratification, child solicitation, child seduction, sexual misconduct with a minor, and incest. Provides that a person commits the offense of domestic battery, as a Level 6 felony, if the person has a prior unrelated conviction for strangulation. Provides that a person commits the offense of strangulation, as a Level 5 felony, if the person has a prior unrelated conviction for strangulation. Provides that a person commits the offense of kidnapping, as a Level 4 felony, if it results in moderate bodily injury to a person other than the removing person. Provides that a person commits the offense of criminal confinement, as a Level 4 felony, if it results in moderate bodily injury to a person other than the confining person. Amends certain age requirements and adds enhanced offenses to the offense of child seduction. Provides that a person at least 18

years of age who knowingly or intentionally: (1) performs or submits to sexual intercourse or other sexual conduct with a child less than 16 years of age; or (2) performs or submits to any fondling or touching with a child less than 16 years of age with the intent to arouse or to satisfy the sexual desires of either the child or the older person; commits sexual misconduct with a minor. Prohibits a person who has a Class D felony conviction or a Level 6 felony conviction for domestic battery within the previous 15 years from petitioning the court to reduce the felony conviction to a Class A misdemeanor. Urges the legislative council to assign to an interim study committee the issue of depositions of child victims of sex offenses. Makes conforming amendments.

## ***Senate***

*House Bill 1009, Teacher Residency Grant Pilot Program (Rep. Dale DeVon (R-Granger))* - Establishes the: (1) teacher residency grant pilot program (pilot program); and (2) teacher residency grant pilot program fund. Requires the commission for higher education (commission) to administer the pilot program. Provides that the commission may award grants to school corporations and charter schools that: (1) apply to participate in the pilot program; (2) partner with one approved postsecondary educational institution to establish and implement a teacher residency program (program); (3) submit a teacher residency plan that establishes a program that meets certain requirements; and (4) provide other information required by the commission. Provides that a school corporation or charter school that is awarded a grant under the pilot program: (1) shall provide stipends to program participants and teachers who act as mentors to program participants; and (2) may use money from the grant award to pay the approved postsecondary educational institution with which the school corporation or charter school has partnered for administrative costs incurred by the approved postsecondary educational institution in developing and implementing the program. Requires the commission to submit a report regarding the pilot program and the retention and performance of program participants.

*House Bill 1075, Children's Commission Report and DCS Human Trafficking Coordinator (Rep. Karen Engleman (R-Georgetown))* - Changes, from July 1 to September 1, the date by which the commission on improving the status of children in Indiana (commission) must submit its annual report. Requires the commission to study the topic of the department of child services employing a human trafficking coordinator. Removes an expired provision.

*House Bill 1487, Business Services of the Secretary of State (Rep. Martin Carbaugh (R-Fort Wayne))* - Amends the law concerning the business practices of the secretary of state, including: (1) access to information maintained by the secretary of state; (2) use of electronic information and transmissions; (3) striking the current Uniform Commercial Code (UCC) financing statement form; adding use of a format that meets certain criteria for the filings; and amending the UCC fees; (4) adding to the requirement to include a notary public's Indiana county on an authentication certificate; (5) amending requirements concerning notary public examination and

education; (6) prohibiting performance of a notarial act: (a) to benefit oneself or one's spouse; or (b) when a commission is suspended or revoked; (7) specifying a notarial act fee applies; (8) providing for issuance of a certificate of fact for a notary public per signature; (9) requiring maintenance of a remote notary public electronic journal for 10 years; and (10) providing for nonresident corporate service of process on the secretary of state. Repeals current law concerning excavation contractor filings and precontracting documentation of compliance with underground facility damage law. Requires the formatting of certain documents to be approved by the International Association of Commercial Administrators or the secretary of state. Specifies October 1, 2019, as the date for a fee increase concerning the indexing of certain documents. Makes the law concerning remote notarial acts applicable only to a remote notarial act performed after the earlier of the effective date of certain administrative rules or July 1, 2020. Increases the fee that a notary public may charge for a remote notarial act from \$15 to \$25. Provides that, for certain filings, the provision of an electronic mail address is discretionary. Makes a technical amendment and conforming changes.

*House Bill 1492, Noxious Weed Control (Rep. Beau Baird (R-Greencastle)* - Adds common waterhemp, tall waterhemp, marestail, palmer amaranth, poison hemlock, powell amaranth, rough pigweed, and smooth pigweed to the list of detrimental plants that are required to be destroyed by certain persons under state law.

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

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