BARNES & THORNBURG LLP

Legislative Update

121st General Assembly

Friday, January 31, 2020

Week Three Overview

Week Four of the Legislative Session was fast-paced. Yesterday (1/30) marked the Second Reading deadline in the House of Representatives, presenting the final opportunity for bills to be amended before reaching final reading in that chamber. In view of this deadline, the House elected to convene on Wednesday in lieu of their usual Committee Day. The Senate proceeded normally, as their Second Reading deadline is not until next Monday, February 3rd..

Points of Interest

Whi le it was mentioned in last week's newsletter, legislative deadlines will be approaching quickly. Please understand these deadlines will result in legislation dying and subsequently being removed from your legislative report.

Health Care: HB 1004, authored by Ben Smaltz (R-Auburn), passed out of the House unanimously this week and will now head to the Senate. HB 1004's companion bill, SB 3, passed out of the Senate on Thursday.Sen. Charbonneau (R-Valparaiso) and Sen. Bassler (R-Washington) are sponsoring the legislation in the Senate. Both bills focus on price transparency and so-called “balance billing”, an effort to reduce instances of suprrise or unexpected billing. As drafted, the House version would only impact fully insured private health plans, approximately 14% of the current market.

Energy: A widely discussed energy bill was heard on Thursday. HB 1414, authored by Rep. Soliday (R-Valparaiso), deals with the future of coal plants in Indiana. The bill as currently drafted would require utilities to establish that any plans to shut down a power plant are either required by a federal mandate or otherwise in the public interest.. Several amendments were vigorously debated on the House Floor on Thursday. The amendments varied from protections for coal miners who lost their jobs to the IURC having to review a coal plant closing and publish their findings. The bill was ordered engrossed by Speaker Bosma and will be heard on Third Reading on Monday.

Local Government: SB 46, authored by Sen. Freeman (R-Indianapolis), would exempt churches and schools from fees collected for the operation and maintenance of the storm water system. This bill was heard by Sen. James Buck (R-Kokomo) and the Senate Local Government Committee. After numerous individuals and groups testified against SB 46, Sen. Buck and the committee decided the best course of action was to create an interim study committee to consider how storm water fees are assessed against properties.

Also in Local Government news, SB 55, authored by Sen. Doriot (R-Syracuse), sought to define "acceptable piping material" as meeting certain recognized standards, while also meeting performance specifications in the public works contract. Sen. Perfect (R-Lawrenceburg) announced Thursday during the Commerce and Technology Committee Hearing that SB 55 would be held by the committee.

HB 1060, which deals with the regulation of building materials, passed out of the House Local Government Committee last week. However, the bill was not called down prior to the second reading deadline Thursday.

Education: HB 1007 was signed into law this week by Governor Holcomb. HB 1007, appropriated $291 million among Indiana's six public universities. Specifically, much of the funding will be put towards campus construction and building repairs. Funding for these projects comes from the Indiana's nearly $2.3 billion surplus. Fiscal Year 2019 saw a spike in state revenue that exceeded forecasts by $267 million. Rep. Dr. Tim Brown (R-Crawfordsville), the author of the bill, testified in both House Ways and Means and Senate Appropriations Committees that funding these projects with cash would save the state upwards of $137 million in interest that would have accrued through bonding. This law was met with criticism by Democrats, who expressed their desire to see the money allocated to teacher pay.

Session Floor Highlights

With impending deadlines for House Bills, the House gaveled in for Session four times this week. A bill of interest that was passed by the House and referred to the Senate is HB 1070. This bill, authored by Rep. Holli Sullivan (R-Evansville), addresses the public safety issue of distracted driving. This bill seeks to clean up a similar bill passed in 2011, which was ultimately deemed unenforceable by the Judicial system. The Bill, supported by Indiana State Police, prohibits a driver from holding a telecommunications device in their hand while driving. Rep. Jim Pressel (R-Rolling Prairie) was a co-author on HB 1070. In his testimony, Rep. Pressel noted to the Roads and Transportation committee that 21 other states already have laws very similar to HB 1070.

The Senate proceeded normally this week, with their usual session schedule. On the Senate floor, SB 4 was passed out of the Senate and referred to the House. SB 4, authored by Sen. Charbonneau (R-Valparaiso) is now being sponsored by Rep. Schaibley (R-Zionsville) and Rep. Kirchofer (R-Indianapolis). As you may recall, SB 4 would create an all payer claims database. SB 4 is one of several bills pushing for improvements in the Indiana healthcare forum. Another bill seeking transparency in billing, SB 5, attempts to prohibit health care provider contracts from including provisions that prohibit providers from disclosing health care service claims data to employers providing the coverage.. SB 5 was ordered engrossed.

Looking Ahead

Next week is the midway point for this year's legislative session. Both chambers will have a short week, with sessions concluding Tuesday, February 4th and resuming on Monday, February 10th. The following is a summary of imminent deadlines:

- Monday, 2/3/2020
  - 3rd Reading Deadline for House Bills
  - 2nd Reading Deadline for Senate Bills
- Tuesday, 2/4/2020
  - 3rd Reading Deadline for Senate Bills

Tracking reports will reflect any changes to these bills as session moves forward, Bills which do not survive the aforementioned deadlines will be removed from future updates.

On Monday, February 17th, there will be a celebration in honor of outgoing Speaker of the House Brian Bosma and his thirty-four years of service. The event will take place from 5:00-7:00 p.m. at the Columbia Club, 10th Floor at 121 Monument Circle. The dress code is business and drinks as well as light appetizers will be served. RSVPs and questions should be sent to SpeakerRetirementParty@outlook.com.

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
Office: (317) 231-7393
Email: brian.burdick@btlaw.com

Joe Loftus
Office: (317) 231-7213
Email: joseph.loftus@btlaw.com

Heather Willey
Office: (317) 231-6448
Email: heather.willey@btlaw.com

Sabra Northam
Office: (317) 231-7323
Email: sabra.northam@btlaw.com

Lauren Box
Office: (317) 231-7289
Email: lauren.box@btlaw.com

Jake German
Office: (317) 231-7538
Email: jacob.german@btlaw.com

Jake Bonifield
Office: (317) 231-7820
Email: jacob.bonifield@btlaw.com

Veronica Schilb
Office: (317) 229-3178
Email: veronica.schilb@btlaw.com

Jake Zigenfus
Office: (317) 261-7994
Email: jacob.zigenfus@btlaw.com

Patrick Lockhart
Office: (317) 261-7992
Email: Patrick.lockhart@btlaw.com