



LEGISLATIVE UPDATE 123RD GENERAL ASSEMBLY

THURSDAY, MARCH 16 2023

Week Ten Overview

This week, the House and Senate convened for Session on Monday, Tuesday, and Thursday. While most legislative action occurred in committee meetings, several bills have already passed on 3rd reading. If a bill is not amended as it passes through its second chamber, the Speaker of the House and Senate Pro Tempore will sign the legislation and present it to the Governor. If the bill is amended, the bill is referred back to the originating chamber for approval before being presented to Governor Holcomb.

Committee Highlights

House and Senate committees met this week to consider legislation and hear testimony. Highlights of key legislation are included below.

Fiscal Policy: The Senate Appropriations Committee met on Monday to hear budget presentations from state agencies. Those that testified on behalf of their agencies included: Dr. Katie Jenner, Director, Department of Education; Dan Huge, Public Finance Director, Indiana Finance Authority; Todd Rokita, Attorney General; and Dan Bortner, Director, Department of Natural Resources. Similar to the House Ways and Means Committee, the Senate Appropriations Committee may consider these presentations and requests as it contemplates its own budget proposal for HB 1001.

Health: On Tuesday, the House Public Health Committee heard testimony on a priority bill that would codify the Governor's Public Health Committee recommendations. The Committee heard SB 4, Public Health Commission—Chair Brad Barrett (R – Richmond). As mentioned in earlier newsletters, SB 4 is a bill aiming to expand healthcare services at the local level through regional partnerships and funding. SB 4's author, Sen. Ed Charbonneau, Chair, Health and Provider Services (R – Valparaiso), presented the bill to the Committee, testifying that the bill is intended to provide county health departments the tools and resources they need to serve Hoosiers. Other key stakeholders also testified. Former Senator Luke

Kenley, a member of the Governor's Public Health Commission, noted he "is not exactly a big spender" but thinks SB 4 has the potential to be the "best bill" the legislature has ever passed to help rural Indiana. Dr. Kristina Box, Commissioner, Indiana Department of Health, offered her support as well, stating SB is a key investment in "improving the health of our state." The bill was held in Committee.

Across the hallway, the Senate Health and Provider Services advanced several bills to the House Floor, including one impacting telehealth services. HB 1352, Telehealth Services—Sen. Vaneta Becker (R – Evansville), provides that the Office of Medicaid Policy and Planning may not require an exclusive telehealth provider that is licensed with the state to maintain a physical address or site in Indiana, or have an in-state service address, to be eligible for enrollment as a Medicaid provider. The Committee also passed another Medicaid related bill which seeks to aid children with prosthetic limbs. Discussed in a prior newsletter, HB 1433, Reimbursement for Prosthetic and Orthotic Devices—Sen. Justin Busch (R – Fort Wayne), (1) sets guidance to allow a child to obtain a new device before the five year mark that Medicaid currently uses, and (2) allows for a child to be reimbursed for a second device intended for recreational use. Sen. Charbonneau vocalized his support for the bill by stating that he felt the General Assembly would vote "150-0" for this bill if they could. The bill passed the committee unanimously.

HB 1017, Prescription Drug Donation Repositories—Chair Charbonneau (R – Valparaiso), was amended this week to exclude abortion inducing drugs from the definition of "prescription drug" for the purpose of the prescription drug donation repository program., and allow, rather than require, the Indiana Board of Pharmacy to contract with a third party to implement and administer the prescription drug donation repository program. The bill passed the Senate Health and Provider Services committee, 10-0. HB 1313, Medicaid Reimbursement for Children's Hospitals—Sen. Rick Niemeyer (R – Lowell), Chair, Environmental Affairs, extending the expiration date to July 1, 2025 for language specifying Medicaid reimbursement of certain out of state children's hospitals. The bill passed committee on an 11-0 vote.

Another bill that we have discussed extensively, HB 1003, Health Matters—Chair Scott Baldwin (R – Noblesville), passed the Senate Insurance and Financial Institutions Committee this week unanimously. The bill was amended to reduce or eliminate prior authorization requirements for health care providers, and provide that the chapter's definition of the term "health plan" does not include a Medicaid managed care organization. The amendment also changed definitions of "downside risk" and "same healthcare service." Downside risk means the risk borne by health care providers in a situation in which, if the total cost of care exceeds projected or budgeted costs, the health care providers will be responsible for a defined percentage of the amount by which the total cost of care exceeds the projected or budgeted costs. Same health care service means a health care service that is assigned a unique CPT

code or combination of CPT codes to be used for the care of a patient with a specific diagnosis. The bill passed 7-0.

Education: On Wednesday, the House Education Committee passed three bills impacting Hoosier students and schools. First was SB 167, FAFSA—Chair Bob Behning (R – Indianapolis), which requires all students, except for students at certain nonpublic schools, to complete and submit the FAFSA not later than April 15 of the student’s senior year. Rep. Jake Teshka (R – South Bend), offered an amendment to sunset the requirement at 10 years. The bill passed with this amendment on an 11-1 vote.

Next up was SB 340, Imagination Library—Rep. Sharon Negele (R – Attica), which establishes the Indiana Imagination Library. Serving children around the world, the Imagination Library was created by Dolly Parton as a book gifting program that mails free, high-quality books to children from birth to age five, no matter their family’s income. SB 340 provides that the State Library shall administer the Indiana Imagination Library, and in consultation with the Department of Education and the FSSA, shall either establish a statewide nonprofit organization or enter into a contract with a statewide nonprofit organization to carry out the responsibilities related to the program. The bill was voted out of committee 10-1.

Third, SB 404, Access to Transcripts—Rep. Julie McGuire (R – Indianapolis), provides that a state educational institution or private postsecondary educational institution operated for profit in Indiana may not refuse to provide a transcript for a current or former student of the institution on the grounds that the student owes a debt to the institution, if the student has paid certain amounts in the past year on the debt owed. Furthermore, the bill prohibits the institution from charging a higher fee for obtaining a transcript or providing less favorable treatment to a former student who owes a debt to the institution. Lastly, the bill prohibits an institution from withholding a degree. The bill provides that a current or former student may bring a civil action against an institution for a violation of these provisions. As amended, a student may only seek costs and reasonable attorney fees, but not compensatory damages or injunctive relief from a court. The bill passed unanimously.

The Senate Education and Career Development Committee also passed three bills. First, the Committee passed as amended HB 1382, Robotics Programs—Sen. Linda Rogers (R – Granger), Chair, Pensions and Labor. The bill establishes the robotics competition program to provide grants to eligible schools and eligible robotics teams in order to expand opportunities to increase interest in STEM and improve science, technology, engineering, and mathematics skills through robotics competitions. As amended, the bill provides a procedure for eligible schools and eligible teams to apply to the Department of Education to receive a grant. The Committee passed the bill 11-0.

Second, the Committee passed as amended HB 1449, 21st Century Scholars Program— Chair Jeff Raatz (R – Richmond).The bill provides that the Commission for Higher Education shall, in cooperation with the Department of Education, identify students who meet the requirements to participate in the program. Further, the Commissioner must notify three things to the student and the custodial parent or guardian of the student, if the student is an unemancipated minor: (1) the student is eligible to participate in the program; (2) the student must agree to the conditions required to participate in the program; and (3) the student has the right to opt out of the program at any time. The bill passed 13-0.

Third, the Committee passed a bill aiming to expand the pathway to becoming a Hoosier educator. HB 1528, Transition to Teaching—Chair Jeff Raatz (R – Richmond), provides that an individual enrolled in a transition to teaching program may apply for a one time scholarship under the Next Generation Hoosier Educators Scholarship Program. The maximum amount of a scholarship is \$10,000, and the total annual amount of scholarships awarded from the Next Generation Hoosier Educators Scholarship Fund to individuals enrolled in the program may not exceed \$1,000,000. As amended, the bill eliminates the requirement that an application must be currently employed at an Indiana school corporation, and allows a Hoosier already enrolled in an alternative teacher certification program to apply for the scholarship. The bill passed 11-2.

Government Reform: Committees heard several bills impacting Indiana nonprofits. On Tuesday, the House Government and Regulatory Reform Committee passed SB 302, Rep. Mike Karickhoff (R – Kokomo). This bill prohibits a state agency or a state official from imposing on a charitable organization any filing or reporting requirements that are more stringent or burdensome than those imposed by, or authorized under, state or federal law. This limitation does not apply to requirements imposed in connection with state grants or contracts, fraud investigations, or in connection with an enforcement action. On Wednesday, the Senate Judiciary Committee passed as amended HB 1212, Privacy of Nonprofit Donor Information— Chair Liz Brown (R – Fort Wayne). As amended, the bill prohibits a public agency from certain actions, including: requiring a person or nonprofit organization to provide personal information to the public agency, or otherwise compelling the release of personal information, and releasing, publicizing, or publicly disclosing personal information in its possession. The bill provides that an employee or a contractor of an agency who violates the bill's provisions is subject to penalties. Both bills passed their committees unanimously.

The Senate Judiciary Committee also advanced a bill impacting nonprofits who contract with the Department of Child Services (DCS). HB 1282, Limitation of Liability for DCS Contractors—Chair Liz Brown (R – Fort Wayne), limits the civil liability of non-profit providers that provide specified services under a contract with DCS. The bill specifically excludes any act done or omitted that constitutes a criminal offense, gross negligence, or willful or wanton misconduct. The bill's author, Rep.

Chris Judy (R – Fort Wayne), stated the bill intends to put DCS providers in the “same shoes as DCS” from a liability perspective. The bill passed on a 6-5 vote and was recommitted to the Senate Appropriations Committee.

Local Government: On Tuesday, the House Local Government Committee passed as amended SB 317, Advance Payments by Political Subdivisions—Chairman Chris May (R – Bedford). Under this bill, a political subdivision may make advance payments to contractors to enable the contractors to purchase materials needed for a public works project. Subject to approval by the fiscal body of the political subdivision, advance payments for goods or services may be made before the goods are delivered or services are completed. SB 317 intends to allow political subdivisions to make diligent market agreements and lock in prices. Chairman May offered two amendments during the hearing, both of which were adopted. Amendment 3 provides that provisions pertaining to the disposition of surplus personal property by a governmental body do not apply to the sale, lease, or disposal of property under a fleet management or equipment leasing agreement entered into pursuant to a request for proposals. Amendment 2 adds a new section to Indiana code providing that the county executive must negotiate and execute all contracts, and has the sole authority to enter into contracts for the purchase of supplies or services or for public works projects for the county. Furthermore, this amendment provides that the county executive must exercise or perform other powers and duties of the county that are executive or administrative in nature, and provides that the county executive has the authority to review the accounting of the jail commissary fund on a biannual basis and execute all contracts paid for by commissary funds. The bill passed the committee unanimously and was ordered to engrossment on Thursday.

On Thursday, the Senate Local Government Committee heard HB 1438, Publication of Local Government Notices—Sen. Blake Doriot (R – Goshen). The bill would create the Public Notice Task Force to study notice publication statutes for the purpose of streamlining the process and maximizing value to Indiana citizens. The Task Force must present its determinations and recommendations for legislation by December 1st of this year. The bill moves to the House Floor after the Committee passed it 11-0.

Economic Development: On Tuesday, the Senate Tax and Fiscal Policy Committee heard a bill intending to attract economic development to southwest Indiana. As discussed in prior newsletters, HB 1106, Mine Reclamation Tax Credit—Sen. Mark Messmer (R – Jasper), provides a tax credit for a taxpayer that enters into an agreement with the Indiana Economic Development Corporation (IEDC) for a qualified investment for development of property located on reclaimed coal mining land. The amount of a credit that a taxpayer receives may not exceed the lesser of: (1) a taxpayer's qualified investment multiplied by 25%; or (2) \$1,500,000. Chairman Travis Holdman (R – Markle) held HB 1106, but noted the Committee will give the bill due consideration.



Session Floor Highlights

As lawmakers move legislation out of committees, bills are up for 2nd and 3rd reading on the House and Senate Floors. Notable bills were heard on both floors on Thursday. The Senate engrossed three bills discussed in last week's newsletter: HB 1007, Electric Service Reliability—Sen. Eric Koch, Chair, Utilities; HB 1015, Worksite Speed Control Pilot Program—Sen. Jon Ford (R – Terre Haute), Chair, Elections; and HB 1418, Annexation of Residential Developments—Sen. Ed Charbonneau (R – Valparaiso), Chair, Health Provider Services.


Also on Thursday, the House engrossed SB 9, Energy Utilities—Rep. Ed Soliday (R – Valparaiso), Chair, Utilities, Energy and Communications. Rep. Matt Pierce (D – Bloomington) offered an amendment that added types of costs that would constitute “federally mandated costs” but it was defeated 29-60. On 3rd reading, the House passed SB 296, Sale of Tax Delinquent Real Property—Rep. Chris Jeter (R – Fishers) on an 87-0 vote. The bill provides that an estate in fee simple that is vested in a grantee by a tax deed executed under the law on the sale of tax delinquent property is subject to a lease shown by public record if the tax deed conveys only a severed interest located in, on, under, or above the land.



Looking Ahead

The General Assembly's next deadlines are in April. In the House, Senate bills must be read for the 2nd time by April 13th and for the 3rd time by April 17th. In the Senate, House bills must be read for the 2nd time by April 17th and for the 3rd time by April 18th. The General Assembly's anticipated *sine die* adjournment date is Thursday, April 27th. By law, the legislature must adjourn *sine die* no later than Saturday, April 29th. You can view a full list of the deadlines here: [2023 Session Legislative Deadlines](#).

As a reminder, your weekly Bill Trackers have been updated and only include bills that have advanced from their originating chamber. Please use the live link sent in your weekly B&T Point email to keep up to date on your bills.



Save the Date and Donation Opportunity

Join Rep. Ann Vermilion (R – Marion), President of the Political Organization for Women's Education and Representation—known as the POWER Caucus—on Wednesday April, 19th from 5:00 – 7:00 p.m. for the Power Caucus Auction at the Skyline Club in the One America Tower.

POWER is a bi-cameral, bi-partisan, philanthropy caucus which brings female legislators, lobbyists, and elected officials together to support women in our communities. POWER's mission is to serve as a forum primarily for female legislators interested in improving the quality of life for women and all citizens in Indiana. Beyond legislative matters, POWER's goal is to provide scholarships for students,

especially those who took the non-traditional route when pursuing their education and who demonstrate a passion for giving back to their communities. This year, POWER aims to fund \$10,000 in scholarships. **To achieve this goal, POWER generously asks for donations. Please consider donating a finalized and presentable basket item or experience—this could include popular activities to do around the Indianapolis area or getaway trips—to be offered at the live auction on April 19th.**

If you are interested in participating, please reach out to Rep. Vermilion at H31@iga.in.gov. Finalized baskets and RSVPs are due no later than April 10th. If you have any questions please call 317-232-9833 or email H31@iga.in.gov.

Thank you for allowing us to work with you during the 2023 legislative session. Please feel free to contact a member of our legislative team should you have questions, need full copies of bills or amendments, or have any questions on matters pending before the Indiana General Assembly.

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