



LEGISLATIVE UPDATE 123RD GENERAL ASSEMBLY

MONDAY, MARCH 11TH, 2024

Week 9 Overview

The final week of the legislative session concluded late Friday evening, March 8th. Monday, March 4th was the last day for Senate bills to advance out of the House, and Tuesday, March 5th was the deadline for House bills to move out of the Senate. Both chambers met for Session throughout the week to debate and vote on concurred bills and conference committee reports.

Bills Amended on Second Reading

SENATE

The Senate met once during the week for the last chance to amend House bills before voting to send the bill over to the House chamber. Below are some of the final changes made on second reading.

HB 1003, Administrative Law – Sen. Cyndi Carrasco (R – Indianapolis)

- Amendment #1 (Sen. Carrasco) provides that a court shall order the payment of a party's attorney's fees if the other party prevailed before an administrative law judge, if the agency initiated the proceeding for judicial review, and if the other party prevailed in the judicial review proceeding. The amendment also provides a court may not award attorney's fees against an agency if the agency's only involvement in the case resulted from the agency's role as an arbiter of the legal rights, duties, immunities, privileges or the position of the agency as a party became unjustified as a result of an intervening change in applicable law; adopted by consent.

HB 1067, Human Services Matters – Sen. Mike Bohacek (R – Michiana Shores)

- Amendment #1 (Sen. Bohacek) outlines the process in which appointments would be made to the Intellectual and Developmental Disabilities Task Force and Oversight Board; adopted by consent.
- HB 1067 was dissented on by the House. We go over the final changes made from the conference committee reports in the next section.

HB 1179, State Educational Institutions – Sen. Jeff Raatz (R – Richmond)

- Amendment #3 (Sen. Raatz) requires state educational institutions to disclose gifts from foreign sources; adopted by consent.

HB 1183, Foreign Ownership of Land – Sen. Jean Leising (R – Oldenburg)

- Amendment #8 (Sen. Bush, R – Fort Wayne), among other things, reduces the distance where a foreign entity may own land from 50 miles to 10 miles away from a military base; adopted by consent.
- Amendment #9 (Sen. Brown) clarifies that a prohibited person does not include an individual who holds dual citizenship with a foreign adversary and the US, or an individual who is a lawful permanent resident of the US; adopted by consent.
- HB 1183 was dissented on by the House. We go over the final changes made from the conference committee reports in the next section.
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HB 1243, Various Education Matters – Sen. Raatz

- Amendment #2 (Sen. Raatz) adds data literacy and data science to computer science standards; adopted by consent.
- Amendment #3 (Sen. Raatz) ensures gifted student programs are integrated into computer science courses; adopted by consent.
- Amendment #5 (Sen. Raatz) removed language added by the Senate Committee on Appropriations regarding a school’s application to waive teacher compensation requirements; adopted by consent.
- Amendment #7 (Sen. Raatz) adds a computer science class to high school graduation requirements by the year 2029; adopted by consent.
- HB 1243 was dissented on by the House. We go over the final changes made from the conference committee reports in the next section.

HB 1304, Education Matters – Sen. Aaron Freeman (R – Indianapolis)

- Amendment #5 (Sen. Freeman) adds that Advanced Placement, Cambridge, and International Baccalaureate courses are all treated the same within the statute; adopted by consent.
- Amendment #8 (Sen. Freeman) inserts language that was removed in SB 1, Reading Skills – Sen. Linda Rogers (R – Granger) concerning dyslexia; adopted by consent.
- Amendment #7 (Sen. Raatz, R – Richmond) adds a provision regarding the licensure of visiting teachers for computer science courses; adopted by consent.
- Amendment #4 (Sen. Tomes, R – Wadesville) strips language concerning collective bargaining from the original bill; adopted by consent.

HB 1332, Insurance Matters – Sen. Scott Baldwin (R – Noblesville)

- Amendment #2 (Sen. Charbonneau, R – Valparaiso) removes Section 22 of the bill that allowed Marketplace insurance plans to request a temporary waiver from the Department of Insurance; adopted by consent.
- Amendment #3 (Sen. Baldwin) aligns market requirements and offers protections for municipalities and county entities. Aligns the notice period for

non-renewal with the 60-day time requirement by insurance carriers to get new insurance; adopted by consent.

- Amendment #4 (Sen. Baldwin) clarifies language concerning worker's compensation insurance in that the insurer must mail written notice of nonrenewal to the insured at least sixty days before the anniversary date of the policy if the coverage is provided to a municipality or county; adopted by consent.
- HB 1332 was dissented on by the House. We go over the final changes made from the conference committee reports in the next section.

HB 1338, Security of Property and Meeting Decorum – Sen. Baldwin

- Amendment #3 (Sen. Freeman, R – Indianapolis) clarifies language regarding an individual who trespasses and refuses to leave given existing case law; adopted by consent.

HB 1401, Various Natural Resources Matters – Sen. Susan Glick (R – LaGrange)

- Amendment #3 (Sen. Jean Leising, R – Oldenburg) inserts language creating an updated drainage handbook from the Department of Natural Resources for local surveyors; adopted by consent.
- HB 1401 was dissented on by the House. We go over the final changes made from the conference committee reports in the next section.

 **Bills Amended In Conference Committees**

Several bills were sent to conference committees. Below we include several of those where a conference committee report (CCR) was drafted and ended up being adopted, and the bill passed, by both the House and the Senate.

SB 4, Fiscal and Administrative Matters – Sen. Chris Garten (R – Charlestown)

- The CCR added the entirety SB 137, Administrative Rulemaking – Sen. Mike Gaskill (R – Pendleton), which removes references concerning the adoption of an emergency rule. The CCR also, among other things, added language requiring any agency that passes a rule that may have an impact of at least \$1,000,000 to come before the Budget Committee for review before the change can be implemented.
- Senate Vote: (46-0)
- House Vote: (68-25)

SB 8, Higher Education Matters – Sen. Jean Leising (R – Oldenburg)

- The CCR removed provisions that would have required, by July 1, 2027, the Department of Education to make all college core courses available online to all eligible students through the course access program. The report added the requirement of the Commission of Higher Education to establish and maintain a website for accessing information about disclosed gifts and contracts. It also authorized the commission to provide for an audit of an institution's use of a disclosed gift, or the proceeds of a disclosed contract, received or entered into

after June 30, 2021, and before July 1, 2024. Additionally, it added language providing that a successful completion of an International Baccalaureate diploma program course shall count as high school credit towards completing Indiana graduation requirements. The report added language requiring the commission to review each course, including the syllabus for each course, that is provided by a postsecondary educational institution to a high school student and for which the student receives high school credit and, not later than November 1, 2025, and not later than November 1 each year thereafter. The CCR amended the requirements regarding offering the college core or submitting a college core feasibility report to provide for the submission of other plans as alternatives. In addition, it established new provisions to provide online access to the college core courses to require, by July 1, 2025, the department to partner with one or more institutions or approved postsecondary educational institutions to provide online access to the college core through the course access program.

- Senate Vote: (48-0)
- House Vote: (85-0)

SB 15, Military Benefits and Services Poster – Sen. Jim Tomes (R – Wadesville)

- The CCR returned SB 15 to the Senate passed version, thus removing a house-added provision concerning the repeal of disability ratings and educational cost exemptions. The House language had intended to treat all service members the same, instead of having their disability rating determine the amount of educational costs paid to them.
- Senate Vote: (48-0)
- House Vote: (97-0)

SB 18, Various Probate Matters – Sen. Liz Brown (R – Fort Wayne)

- The CCR reported added language to specify that certain provisions in a will or revocable trust in favor of the testator's or trust settlor's former spouse are revoked upon dissolution or annulment of the marriage. The report also provided that these will and trust provisions are reinstated if the testator or settlor remarries the former spouse. In addition, it removed a section concerning a requirement for certain fiduciaries to send a copy of a verified statement to the estate recovery unit. Lastly, it provided that a claim by the estate recovery unit is forever barred unless the estate recovery unit takes certain action against the decedent's estate not later than 120 days after the date of death of the decedent.
- Senate Vote: (46-2)
- House Vote: (92-0)

SB 23, Damage to Penal Facility, Sen. Vanetta Becker (R – Evansville)

- The CCR provided that a person who recklessly, knowingly, or intentionally damages a component of a fire suppression system that is located in a penal facility commits criminal mischief, which is a Level 6 felony.
- Senate Vote: (48-0)
- House Vote: (89-10)

SB 140, Natural Resources – Sen. Jean Leising (R – Oldenburg)

- The CCR added language from SB 184, Removal of Debris from Streams – Sen. Jeff Raatz (R – Richmond), authorizing a person to remove debris from a stream under certain conditions without needing to obtain a permit from the Department of Natural Resources. Additionally, the report added a provision that an individual is not required to address a logjam if it would create unreasonable risk of bodily harm to the individual, and permits a person to remove a logjam with mechanical equipment appropriate to the task. Finally, the report added language requiring Indiana State Department of Agriculture to oversee the preparation and publication of an undated version of the Indiana Drainage Handbook.
- Senate Vote: (48-0)
- House Vote: (91-0)

SB 148, Workforce Data Collection – Sen. Liz Brown (R – Fort Wayne)

- The CCR provides that a workforce related program does not include an apprenticeship program in which funding is received under the Special Employment and Training Services Fund.
- Senate Vote: (40-8)
- House Vote: (95-0)

SB 179, Commission of Court Appointed Attorneys – Sen. Eric Koch (R – Bedford)

- The CCR returns the bill to its version passed out of the Senate. It provides the Indiana Commission on Court Appointed Attorney’s, as created by the bill, shall select up to twelve counties for misdemeanor expense reimbursement rather than enumerating specific counties. Additionally, the conference committee report reduced the misdemeanor expense reimbursement rate from 100% to 40% of the county’s expenses for certain expenses related to misdemeanor cases.
- Senate Vote: (35-13)
- House Vote: (91-1)

SB 211, Excellence in Civic Engagement Designation and School Meetings – Sen. Raatz (R – Richmond)

- The CCR removed provisions concerning the Open Door Law and access to public records. The language added establishes that a public hearing required before a school employer and employee may privately negotiate certain matters at a regular or special meeting of the school’s governing body. Additionally, it

removed the requirement that the Department of Education develop a curricula concerning Internet safety and instruction. The report also removed a provision concerning the removal of disruptive students, among other things.

- Senate Vote: (43-4)
- House Vote: (98-0)

SB 226, Attorney's Fees – Sen. Mike Gaskill (R – Pendleton)

- The CCR returned the bill to its original version passed in the Senate. The original version of the bill increases the amount of attorney's fees that may be incurred by an offeror to \$250 per household. Additionally, the bill limits the total amount of attorney's fees, costs, and expenses that may be awarded to not more than \$5,000 with respect to a qualified settlement offer.
- Senate Vote: (47-0)
- House Vote: (96-0)

SB 238, Innkeeper's Tax – Sen. Randy Maxwell (R – Guilford)

- The CCR removed section 3 of the House-passed bill which would have allowed Howard County to adopt an ordinance to impose the innkeeper's tax on a person engaged in the business of renting or furnishing rooms, lodgings, or accommodations located within an inn, a hotel, or a motel for a period of more than 30 days.
- Senate Vote: (41-7)
- House Vote: (75-21)

SB 252, Notice Publication – Sen. James Buck (R – Kokomo)

- The CCR for SB 252 removed all references and provisions relating to the Indiana Stadium and Building Authority, returning the bill to the original scope intended by Sen. Buck. The CCR also removed requirements that a political subdivision publish legal notices in a newspaper where the political subdivision is located, and the newspaper has been published for 12 consecutive months.
- Senate Vote: (47-0)
- House Vote: (94-0)

SB 256, Fiscal Matters – Sen. Ryan Mishler (R – Mishawaka)

- The CCR amended the bill to include several provisions from the House passed version of the bill on March 1, 2024, including: (1) money in the attorney general contingency fee fund is continuously appropriated and not subject to allotment; (2) allows the Indiana Economic Development Corporation (IEDC) to designate territory as an innovation development district, and; (3) reinstates provisions concerning meetings of the Budget Committee. The report also, among other things, added several provisions from the Senate passed version of the bill on January 26, 2024, including: (1) transfers may not be made by the Budget Agency, the State Board of Finance, or any other entity to the Indiana

Gaming Commission without prior Budget Committee Review, and; (2) certain appropriations from the state gaming fund in the most recent Biennial Budget Act may not be augmented.

- Senate Vote: (45-2)
- House Vote: (57-39)

SB 282, Absenteeism and School Attendance – Sen. Stacey Donato (R – Logansport)

- This CCR, among other things, removes a provision that provided that absenteeism under a parental request filed with the school is not counted as an absence for purposes of the definition of "absent student." Additionally, the report removes a provision requiring a school corporation to establish written disciplinary rules concerning policies that a student who is habitually truant may not participate in extracurricular or co-curricular activities or programs.
- Senate Vote: (48-0)
- House Vote: (92-6)

HB 1001, Education and Higher Education Matters – Rep. Chuck Goodrich (R – Noblesville)

- The CCR added that an annual grant amount awarded under the Career Scholarship Account program may be used for costs related to obtaining a driver's license, if certain conditions are met. The report amends requirements regarding career coaching grants allowing an individual to complete training in career navigation that is equivalent to the training required to receive an applicable certification.
- Senate Vote: (39-8)
- House Vote: (98-0)

HB 1002, Enforcement of Equal Educational Opportunity – Rep. Chris Jeter (R – Fishers)

- The CCR amended the definition of "antisemitism", using the definition adopted by the International Holocaust Remembrance Alliance, and removed any references to examples of antisemitism.
- Senate Vote: (45-1)
- House Vote: (99-0)

HB 1067, Human Services Matters – Rep. Edward Clere (R – New Albany)

- The CCR inserted language from HB 1187 concerning the special service review team and emergency placement. Additionally, it added provisions from SB 256, Fiscal Matters – Sen. Ryan Mishler (R – Mishawaka) concerning a risk based managed care program for certain Medicaid recipients. Lastly, it inserted language from SB 233, Certified Community Behavioral Health Clinics – Sen. Michael Crider (R – Greenfield) concerning certified community based behavioral clinics.
- Senate Vote: (47-0)

- House Vote: (96-0)

HB 1084, Privacy of Firearms Financial Transactions – Rep. Jake Teshka (R – South Bend)

- The CCR added SB 14, Rights of Certain Persons to Carry a Handgun in the Statehouse and State Capitol Complex – James Tomes (R – Wadesville), concerning the right of members of the general assembly, professional staff, Indiana lobby registration, and state officers to carry a handgun within the state capitol building and on the property of the state capitol complex. This includes allowing the Attorney General, Secretary of State, State Comptroller and Treasurer of State to carry a handgun in the state capitol building.
- Senate Vote: (39-9)
- House Vote: (66-26)

HB 1086, Alcoholic Beverage Sales – Rep. Jake Teshka (R – South Bend)

- The CCR added language allowing a retailer to deliver alcoholic beverages for carry-out in new, qualified containers. The report also specified that if an establishment has both a craft manufacturer's permit and a retailer's permit, the insurance coverage requirements apply to the establishment and not to each permit individually. Additionally the committee report specifies that alcoholic beverages may be charity gaming prizes.
- Senate Vote: (39-9)
- House Vote: (80-12)

HB 1102, Child Care – Rep. Dave Heine (R – Fort Wayne)

- The CCR amended the definition of "school property" to a provision which requires school property owned by a school to have been both owned and used for child care.
- Senate Vote: (34-13)
- House Vote: (82-12)

HB 1120, State and Local Administration – Rep. Jeffery Thompson (R – Lizton)

- The CCR, among other things, added provisions from the House passed version of SB 256, Fiscal Matters – Sen. Ryan Mishler (R – Mishawaka) that were ruled non-germane by the Senate. Amendments included adding a minimum rate of 6% for an operating referendum, unless an upper rate cap of 10% is met; as well as requiring reporting back to the Medicaid Oversight Committee regarding the Medicaid Managed Care program and the waiver process. The report also added language requiring the Office of Family and Social Services Administration to provide a report to the Budget Committee on the 2023 shortfall. There are also several trailers included in the CCR, including exempting single-unit rental housing from HB 1199, Economic Enhancement District – Rep. Thompson, and amending the Grant County local income tax spherical purpose rate.

- Senate Vote: (42-5)
- House Vote: (96-0)

HB 1137, Release for Religious Instruction – Rep. Kendall Culp (R – Rensselaer)

- The CCR removed provisions from the bill allowing school chaplains to volunteer to provide secular support to students or employees of the school.
- Senate Vote: (32-16)
- House Vote: (69-25)

HB 1183, Foreign Ownership of Land – Rep. Kendell Culp (R – Rensselaer)

- The CCR moved the prohibition on purchasing a parcel of property within a 10 mile radius of a military installation to its own section of Indiana Code. The report also added exemptions to the purchasing of land within 10 miles of a military installation, including an exemption for a lease for residential property, and exemptions for the purchase or lease of land by someone who is a lawful resident of the United States.
- Senate Vote: (47-0)
- House Vote: (92-1)

HB 1162, Bureau of Motor Vehicles – Rep. Jim Pressel (R – Rolling Prairie)

- The CCR extended the effective date for Sections 8 and 15 of the bill to January 1, 2025. Section 8 requires the Bureau of Motor Vehicles (BMV) to make a final settlement for all the money in accounts administered by the BMV, and Section 15 allows individuals renewing eligible license plates to renew online. It also added language to the bill providing that the owner or operator of a commercial motor vehicle who leases that commercial motor vehicle to another person is not civilly liable for a tort claim based on the failure to install certain optional equipment on the vehicle.
- Senate Vote: (26-21)
- House Vote: (70-28)

HB 1243, Various Education Matters – Rep. Robert Behning (R – Indianapolis)

- The CCR, among other things, inserted language requiring the governing body of each school corporation to have a policy regarding the participation of habitually truant students in extracurricular activities, and amended the definition of “career and technical education” for purposes of provisions regarding the transportation of students for career and technical education training. The report also required the Department of Education (DOE) to, no later than July 1, 2024, (1) establish an online, self-paced professional development mathematical module; (2) create and identify dedicated math resources to assist with intervention and enrichment, and; (3) post the create resources on the DOE website. Finally, the report also defined “literacy coach”, and outlined duties of literacy coaches, as well as provided for the availability of grants for literacy coaches.

- Senate Vote: (40-7)
- House Vote: (95-1)

HB 1258, Food Regulation – Rep. Joanna King (R – Middlebury)

- The CCR inserts language from HB 1260, Indiana Department of Health – Rep. Brad Barrett (R – Richmond) concerning time temperature control for safety food.
- Senate Vote: (48-0)
- House Vote: (90-2)

HB 1259, Health Care Matters – Rep. Brad Barrett (R – Richmond)

- The CCR added language from SB 139, Psilocybin treatment program – Sen. Ed Charbonneau (R – Valparaiso) concerning the establishment of the therapeutic psilocybin research fund. The report amends language allowing, rather than requiring, the Indiana Department of Health to grant an extension to hospitals when filing certain reports. Additionally, the conference committee report added language from HB 1327, Health Insurance Matters – Rep. Donna Schaibley (R – Carmel) concerning contract holders, such as an entities that offer health coverage, health plans, or managed care organizations requesting an audit of a pharmacy benefit manager, third party administrator, or other insurance entities as well as the ownership of claims data by a plan sponsor. The data collected will be used to expand transparency in health care.
- Senate Vote: (45-1)
- House Vote: (93-5)

HB 1265, Various Election Matters – Rep. Timothy Wesco (R – Osceola)

- The CCR modifies a number of things including redefining "candidate" to include an individual filing for a ballot vacancy and extending the expiration date to January 1, 2026 for a redistricting authority to redistrict.
- Senate Vote: (45-3)
- House Vote: (94-0)

HB 1332, Insurance Matters – Rep. Martin Carbaugh (R – Fort Wayne)

- The CCR inserted language that establishes the Insurance Producer Education and Continuing Education Commission with appointments to the commission by the Commissioner of the Department of Insurance. The Insurance Producer Education and Continuing Education Commission will address the continuing education (CE) credits required of all licensed resident producers by the Indiana Department of Insurance. The report also repealed the Insurance Produced Education and Continuing Education Advisory Council, and adds language from HB 1359, Probate – Rep. Carbaugh, as it passed the Senate.
- Senate Vote: (45-2)
- House Vote: (96-0)

HB 1359, Probate – Rep. Carbaugh (R – Fort Wayne)

- The CCR extends the dates in HB 1034, Insurance and Transfer on Death Deeds – Rep. Jerry Torr (R – Carmel) for certain insurance policies to July 1, 2025.
- Senate Vote: (47-0)
- House Vote: (96-0)

HB 1380, Various Education Matters – Rep. Bob Behning (R – Indianapolis)

- The CCR amended the bill by adding SB 154, Transportation Funding – Sen. Scott Alexander (R – Muncie), as well as language concerning the commission on seclusion and restraint in schools as it appeared in HB 1073, Special Education – Rep. Becky Cash (R – Zionsville). Additionally, the committee added provisions allowing an individual who is at least 16 years old to enroll in and attend a training program for certification as a Firefighter I, Firefighter II, or emergency medical technician.
- Senate Vote: (35-12)
- House Vote: (70-25)

HB 1385, Emergency Medical Services – Rep. Brad Barrett (R – Richmond)

- The CCR adds language from SB 10 – Community Cares Initiative Grant Pilot Program – Sen. Scott Baldwin (R – Noblesville) establishing a Community Cares Grant Pilot Program for the purpose of assisting in the costs of starting or expanding mobile integrated health care programs and mobile crisis teams.
- Senate Vote: (45-2)
- House Vote: (97-0)

HB 1401, Various Natural Resources – Rep. Shane Lindauer (R – Jasper)

- The CCR removes language pertaining to guidelines for logs that are crossways in a channel and updating the Indiana Drainage Handbook. Drainage Handbook language was added upon second reading in the Senate but was removed in conference committee due to germaneness rules. Subsequently, the language concerning the Indiana Drainage Handbook was moved to SB 140, Natural Resources – Sen. Jean Leising (R – Oldenburg).
- Senate Vote: (48-0)
- House Vote: (90-0)

 **Looking Ahead**

Both the House and Senate adjourned sine die on Friday, March 8th. The enrolled acts passed by each chamber have been or are awaiting the Speaker of the House and Senate Pro Temp's signature to then be sent to Governor Eric Holcomb for his signature. When the Governor receives the engrossed bill, after being signed by the Speaker of the House and the President Pro Tem of the Senate, he has seven days

to sign the bill into law, or to veto the bill. If the seven day period expires and the Governor has taken no action, the engrossed bill becomes law on the eighth day.

The Legislative Council, comprised of majority and minority leadership and senior legislators in each chamber, are expected to meet in June to assign topics for lawmakers to study during the 2024 legislative interim.

We will be sending out one more Newsletter this week. The final Newsletter will go over a summary of the major policy changes made/debated over the 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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