

JCRC Bill Watch List
February 7 – 10, 2011

Budget & Taxation

HB 1001 Budget bill. ([Espich](#))

H. Committee Sched 2-7-2011 10:00 a.m. Rm 404

Digest Provides for the return of a part of the state's year-end general revenue surplus to Indiana residents in the form of a refundable adjusted gross income tax credit. Establishes the income tax reduction reserve and procedures to implement the credit program. Changes the maximum income eligibility for the children's health insurance program. Changes Medicaid and Indiana check-up plan eligibility for certain services. Makes changes in the drug utilization policies for the Medicaid program and the children's health insurance program. Permits the state to contract for the management and clinical operation of any state institution under the administrative control of a division of the family and social services administration. Permits changes in patient and staffing levels at or closure of the Evansville state hospital and Evansville state psychiatric treatment center for children. Requires a state educational institution to participate in the state aggregate prescription drug purchasing program. Revises the eligibility requirements for an Indiana comprehensive health insurance association (ICHIA) policy to require applicants to first apply for the federal pre-existing condition insurance plan and the healthy Indiana program. Authorizes the ICHIA board to implement a reduced reimbursement rate program. Sets the ICHIA premium rates at 150% of the average commercial carrier rate. Provides for a transfer from the public deposits insurance fund to the state general fund.

Notes: The House Ways and Means Committee will hold only 2 hrs of public testimony on the budget. We are already concerned with a projected 200 million in cuts to the Child Welfare Fund and cuts to other social service programs as well as across the board cuts to state agencies that administer programs.

HB 1470 Taxes. ([Turner](#))

Assigned Ways and Means

Digest

Provides for the return of a part of the state's year-end general revenue surplus to Indiana residents in the form of a refundable adjusted gross income tax credit. Establishes the income tax reduction reserve and procedures to implement the credit program. Indicates that the standard deduction and the circuit breaker credit applies to improvements to structures and improvements on the same land that a building is located. Permits an enhanced tax abatement for vacant buildings in a designated downtown area. Permits the fiscal body for a county, city, or town to grant a deduction of 100% of the assessed value of personal property or a credit equal to 100% of the property tax liability that is imposed on personal property. Permits the department of state revenue to negotiate a collection allowance for the collection of sales taxes by an out-of-state seller. Increases the personal deduction allowed against individual adjusted gross income tax. Taxes interest on bonds issued by another state or a political subdivision in another state. Prohibits a carryback of an Indiana net operating loss to a prior taxable year. Decreases the adjusted gross income tax rate applicable to corporations. Requires the recapture of a credit given for a contribution to a college choice 529 education savings plan if withdrawals or distributions exceeding 10% of the amount deposited or earned in interest in the immediately preceding three years is withdrawn or distributed. Phases out the inheritance tax beginning July

1, 2013, by giving an increasing credit against the inheritance tax due. Provides that the inheritance tax does not apply to the transfer of property interests by a decedent whose death occurs after June 30, 2023. Phases out payments of the inheritance tax replacement amount to counties over a period between 2013 and 2023. Provides that the estate tax and generation skipping transfer tax do not apply after June 30, 2023. Makes technical corrections. Extends the time in which a person must file an amended Indiana adjusted gross income tax return to reflect modifications made in a federal income tax return. Prohibits the department of state revenue from taking an action to collect a delinquent tax until the later of the time to file a tax appeal has expired or a final decision is made in a tax appeal. Provides that the tobacco products tax on moist snuff is based on the weight of the moist snuff and calculated at the rate of \$0.50 per ounce. Requires a study of ways to reduce fraud and abuse of the Indiana earned income tax credit. Makes an appropriation.

Children

HB 1037 Adoption subsidies for children in foster care. ([Reske](#))

Assigned Family, Children & Human Affairs

Digest Requires payment by the department of child services of the costs of certain health related adoption subsidies for a child in foster care. Makes a determination by the department of child services with respect to subsidies subject to administrative review.

HB 1070 Flu shots for child care center workers. ([Frizzell](#))

Assigned Family, Children & Human Affairs

Digest Requires a child care center to make available influenza immunizations to employees who have direct contact with children at the child care center. Provides that the immunizations are not required if there is an inadequate supply of the vaccine. Provides that a child care center is prohibited from requiring an employee to receive an immunization under certain circumstances. Allows the division of family resources to adopt rules to administer the immunization requirements.

HB 1107 Preventative programs for at-risk children. ([Richardson](#), [Lanane](#), [Buck](#))

1-31-2011 Passed House sent to Senate

Digest Provides that a juvenile court may create a preventative program for at-risk children (program). Allows a court to appoint program staff, a guardian ad litem (GAL) or court appointed special advocate (CASA) to implement, coordinate, and carry out the purposes of the program. Provides procedures for program staff, a GAL, or a CASA participating in a program. Provides civil and criminal immunity to a person who: (1) requests that a child participate in a program; (2) provides information concerning a child to program staff, a GAL, or a CASA; or (3) participates in a plan for an at-risk child in a program.

HB 1226 Child care regulation. ([Lehman](#)) Assigned Family, Children & Human Affairs

Digest Makes various statutory changes making certain health and safety requirements applying to child care providers consistent, including criminal history checks, drug testing, caregiver education and supervision, nutrition, immunizations, fire and hazardous materials safety, and administrative procedures for noncompliance. Makes technical changes. (The

introduced version of this bill was prepared by the committee on child care.)

Notes Mirrored bill to SB 56. These bills seek to provide a basic level of protection to children enrolled in Child Care Ministries, especially those that accept state CCDF vouchers. 27 million CCDF dollars were distributed to registered ministries in the last budget cycle.

SB 0056 Child care regulation. ([Holdman](#)) Assigned Health and Provider Services Digest

Makes various statutory changes making certain health and safety requirements applying to child care providers consistent, including criminal history checks, drug testing, caregiver education and supervision, nutrition, immunizations, fire and hazardous materials safety, and administrative procedures for noncompliance. Makes technical changes. (The introduced version of this bill was prepared by the committee on child care.)

Church & State

SB 0119 Covenant marriage. ([Kruse](#)). Assigned Senate Judiciary.

Digest

Defines "covenant marriage". Provides that a couple may designate a covenant marriage when applying for a marriage license or after marriage. Requires that a marriage license must indicate whether the marriage is a covenant marriage. Establishes the procedure for declaring a covenant marriage. Requires the state department of health to maintain records of covenant marriage declarations. Requires the attorney general to develop an informational pamphlet regarding covenant marriage.

Civil Rights

HJR 0001 Redistricting. ([Torr](#)) Assigned Elections and Appropriations

Digest Provides that the general assembly may establish a commission to draw congressional and legislative districts. This proposed amendment has not been previously agreed to by a general assembly

HJR 0006 Marriage. ([Turner](#))

2/7/2011 Committee Scheduled 10:30 a.m. House Chambers Judiciary

Digest Provides that only marriage between one man and one woman shall be valid or recognized as a marriage in Indiana. Provides that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. This proposed amendment has not been previously agreed to by a general assembly.

SB 32 Vote centers. ([Lawson](#), [Alting](#), [Charbonneau](#), [Truitt](#)) Passed Senate 1-18-2011 to House 2-3-2011 passed 2nd Reading in House

Digest Establishes the use of vote centers as an option for all counties. Requires the county election board (board) to adopt an order designating a county a vote center county, adopt a plan to

administer the vote centers, and file the order and the plan with the election division. Requires the board to accept and consider public comment before adopting an order designating the county as a vote center county. Provides that designation of a county as a vote center county remains in effect until the board rescinds the order designating the county as a vote center county and files a copy of the rescission with the election division. Redesignates automatically as a vote center county a county previously designated a vote center pilot county. (The law concerning the use of vote centers in vote center pilot counties has expired.)

SB 114 Qualifications of presidential candidates. ([Delph](#))

Assigned Elections Committee

Digest Requires a candidate for the office of President of the United States to certify that the candidate has the qualifications provided in Article 2, Section 1, clause 5 of the Constitution of the United States (qualifications), and to submit with the candidate's declaration of candidacy or request that the candidate's name be placed on the primary ballot a certified copy of the candidate's birth certificate, including any other documentation necessary to establish that the candidate meets the qualifications. Provides that the election division may not include the name of a candidate on a list of certified candidates for the primary election ballot unless the election division has received the candidate's certification and documentation. Requires the state chairman of a political party to certify that each nominee of the party for President and Vice President of the United States meets the qualifications. Requires that a certified copy of each nominee's birth certificate, including any other documentation necessary to establish that the nominee meets the qualifications, accompany the state chairman's certification. Provides that the election division may not certify the name of a nominee for President or Vice President of the United States unless the election division has received a nominee's certification and documentation.

SJR 13 Definition of marriage. ([Kruse](#), [Holdman](#), [Tomes](#))

Assigned Judiciary

Digest Provides that only a marriage between one man and one woman shall be valid or recognized as a marriage in Indiana. Provides that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. This proposed amendment has not been previously agreed to by a general assembly.

Criminal Justice

HB 1016 Juvenile alcohol offenses. ([Burton](#)) Assigned Courts & Criminal Code

Digest Repeals a provision providing that a child commits a delinquent act if the child violates the law concerning minors and alcoholic beverages. Makes a violation of the alcoholic beverage law by a child a felony, a misdemeanor, or an infraction, depending on the offense committed. Makes a conforming change.

HB 1100 Ban sex offenders from public libraries. ([Yarde](#)) Assigned Courts & Criminal Code

Digest Specifies that a registered sex offender who enters a public library commits a Class D felony. Provides a defense for limited entry on an election day for the purpose of voting.

Economic Justice

HB 1207 Unemployment compensation and drug testing. ([Ubelhor](#))

1-10-2011 assigned Employment, Labor & Pensions

Digest Provides that an individual who is otherwise qualified for unemployment compensation benefits is disqualified for benefits upon a report to the department of workforce development (department) by a prospective employer that the individual was found to have had a positive postoffer or preemployment drug test. Requires the department to adopt rules concerning positive preemployment drug tests reported to the department. Repeals an outdated reference.

Drug testing and unemployment benefits. ([Kubacki](#))

2-8-2011 Hearing 8:30 a.m. Employment, Labor and Pensions

Digest Provides that an individual, who is required to undergo drug testing as a condition of an offer of employment and who files an initial claim for unemployment benefits, must be advised that the individual is disqualified for benefits if the person is found to have a positive drug test or refuses to submit to a drug test. Provides that an individual who is otherwise eligible for unemployment benefits is disqualified for benefits if the individual is required to undergo drug testing as a condition of an offer of employment and the individual is found to have tested positive for drugs or refuses to submit to a drug test. Provides that the individual who is disqualified for unemployment benefits may resume eligibility for benefits upon submission of a negative drug test to the department of workforce development. Removes an outdated reference.

HB1452 Drug testing for public assistance. ([Yarde](#)) **Assigned Family, Children & Human Affairs**

Digest Requires the division of family resources to develop a program to test, for use of controlled substances, an individual applying for or receiving assistance under the federal Temporary Assistance for Needy Families (TANF) program, if a county office believes, based on reasonable suspicion, that the individual is engaged in the illegal use of controlled substances. Provides that an individual who tests positive for a controlled substance without a prescription is ineligible to receive TANF assistance. Provides that an individual who is ineligible to receive assistance may reapply for assistance under the TANF program on the earlier of: (1) six months after the date the individual tests positive for a controlled substance; or (2) the date the individual complies with and completes a drug abuse treatment program. Provides that an individual who is ineligible for TANF assistance as the result of testing positive for the presence of illegal drugs is ineligible for assistance under the Medicaid program. Requires the office of Medicaid policy and planning to apply for an amendment to the state Medicaid plan to limit Medicaid eligibility for individuals who are ineligible under the TANF program as the result of testing positive for the presence of illegal drugs.

HB1559 Drug testing of recipients of assistance. ([McMillin](#)) **Assigned Family, Children & Human Affairs**

Digest Requires the division of family resources to develop a program to randomly test individuals applying for or receiving assistance under the federal Temporary Assistance for Needy Families (TANF) program for the use of a controlled substance. Provides that an individual who tests positive for a controlled substance without a prescription is ineligible to

receive TANF assistance. Provides that an individual who is ineligible to receive assistance may reapply for assistance under the TANF program on the earlier of: (1) six months after the date the individual tested positive for a controlled substance if, before the individual reapplies for assistance, the individual tests negative for the use of a controlled substance; or (2) the date the individual complies with and completes a drug abuse treatment program. Requires the department of workforce development to develop a program to randomly test individuals applying for or receiving benefits under the unemployment insurance program for the use of a controlled substance. Establishes similar requirements as those established for the testing under the TANF program.

SB0086 Unemployment benefits qualifications. (Leising, Gutwein)

Digest Requires that an applicant for unemployment benefits must state, under penalty of perjury, that the applicant will refrain from the knowing or intentional possession and use of: (1) a controlled substance; or (2) a controlled substance analog; without a valid prescription or an order from a practitioner during the period that the applicant receives benefits if benefits are awarded.

Elderly & Disabled

HB1354 Complete streets guidelines. (Dembowski) Assigned Roads & Transportation

Digest Requires the Indiana department of transportation (INDOT) to do the following: (1) Adopt guidelines for INDOT projects regarding street design that enables safe, comfortable, and convenient access for all users (complete streets guidelines). (2) Include a requirement to comply with complete streets guidelines in INDOT contracts entered into after December 31, 2011. (3) Include complete streets guidelines in INDOT's approved design manual. (4) Report to the general assembly on INDOT's progress in incorporating complete streets guidelines into manual and projects.

HB1478 Enhanced health facility quality assessment fee. (T. Brown) Assigned Public Health

Digest Extends the collection of a nursing facility quality assessment fee until June 30, 2014, with changes to the amount collected and the amount dispersed, providing the health facilities with 55% of the money and the state with 45% of the money.

SB0023 Hoosier commission for communities for a lifetime. (Becker, Simpson)

2-11-2011 Committee Schedule 1:30 Senate Chamber

Digest Creates the Hoosier commission for communities for a lifetime. Requires the commission to submit certain reports to the general assembly. (The introduced version of this bill was prepared by the health finance commission.)

SB0361 Nursing facility screening and notification. (Becker, Breaux, Leising) Assigned Health & Provider Services

Digest Requires the dissemination of specified information as part of: (1) a nursing facility's notification to applicants; (2) the nursing facility preadmission screening program; and (3) the hospital discharge process. Specifies assessments to be completed during a nursing facility

preadmission screening.

SB0460 Quality assessment and moratorium. (Miller, Breaux)

1-27-2011 amended and reassigned to Senate Appropriations

Digest Requires and sets forth the procedure for an institutional provider and a noninstitutional provider to reimburse the office of the secretary of family and social services for, or appeal a determination of, certain Medicaid overpayments made to the provider. Changes the timeframe that a provider has to repay an overpayment from 60 days to 300 days. Extends: (1) the collection of a nursing facility quality assessment fee with changes to the amount collected and the amount and to whom the dollars are dispersed; and (2) a moratorium on the certification of new or converted comprehensive care beds for participation in the state Medicaid program; until June 30, 2014. Creates a moratorium on the construction and licensure of comprehensive care health facility beds until June 30, 2014. Allows a health facility to transfer replacement bed licenses and Medicaid bed certifications under certain circumstances.

Education

HB1002 Charter schools. (Bosma)

Date 01/25/2011 Action H: Committee Report amend do pass, adopted

Digest Allows charter schools to opt in to the state health insurance plans. Establishes the charter school board as a statewide sponsor of charter schools. Adds the executive of a second-class city and nonproprietary private colleges and university as eligible charter school sponsors. Requires the state board of education to establish procedures to monitor all charter school sponsors in Indiana. Adds: (1) student academic growth; (2) financial performance and stability; and (3) board performance and stewardship; to the list of items to be included in a charter school's charter. Requires uniform and consistent transfer of credits for students who transfer from a charter school to another public school. Stipulates that a teacher in a conversion charter school may be an employee of the charter school or the school corporation as determined in a charter school's charter. Sets out the conditions, accounting process, and reporting procedures for a charter school sponsor concerning the collection of fees from its sponsored charter schools. Allows charter schools to lease or purchase unused or underutilized school buildings owned by school corporations. Provides for part of a school corporation's transportation fund levy to be distributed to charter schools, unless the school corporation provides transportation to charter school students. Establishes the charter school facilities aid program and the charter school facilities revolving loan program. Cancels interest payments on advances made to charter schools from the common school fund. Makes conforming changes. Changes the procedure for converting a public school into a charter school. Repeals provisions concerning: (1) the number of charter schools an executive of a consolidated city may sponsor; and (2) charter school admissions for students outside the student's school district.

HB1003 School scholarships. (Behning)

1-20-2011 Assigned Education

Digest Increases the school scholarship tax credits that may be awarded for donations to a scholarship granting organization. Allows scholarship granting organizations to grant scholarships to families with income that is not more than 250% of the amount required for the individual to qualify for the federal free or reduced price lunch program. Provides scholarships to

low income students to pay the costs of tuition and fees at a public or private elementary school or high school that charges tuition.

HB1019 Training for child suicide prevention. (C. Brown, Simpson, Lawson)

1-31-2011 Passed House sent to Senate

Digest Requires the division of mental health and addiction to consider evidence based programs and develop programs for teacher training on the prevention of child suicide and the recognition of signs that a student may be considering suicide. Allows a governing body to adjourn its schools to allow teachers to participate in a basic or inservice course of education and training on suicide prevention and the recognition of signs that a student may be considering suicide. Provides that after June 30, 2013, an individual may not receive an initial teaching license unless the individual has completed training on suicide prevention and the recognition of signs that a student may be considering suicide. (The introduced version of this bill was prepared by the commission on mental health.)

HB1249 Higher education scholarship. (Noe) Assigned House Education

Digest Provides an early graduation scholarship to a student who graduates from high school before grade 12. Requires the state board of education to amend its rules to facilitate graduation from high school in less than seven semesters. Makes an appropriation.

HB1250 Parental initiative for school reorganization. (Noe) Assigned House Education

Digest Requires a school corporation to sell surplus real property to another educational institution if the educational institution is the highest bidder. Requires the state board of education to create a school performance category of pending reorganization. Provides that parents of a school that is in the third or subsequent year of placement in the lowest performance category may petition to reorganize the school by: (1) closing the school and transferring the students to a higher performing school in the same school corporation; (2) reorganizing the school as a charter school; or (3) providing tuition payments for students who wish to transfer from the school to another school corporation or a nonpublic school. Requires the governing body of the school corporation to carry out the reorganization if the parents of at least 51% of the students in the school sign the petition. Requires the department of education to place such a school in the pending reorganization performance category. Provides that once a school has been reorganized, another petition for reorganization may not be submitted for at least five years after the school year in which the reorganization takes place.

HB1337 Teacher contracts. (Behning) Assigned House Education

Digest Extends the use of temporary teacher contracts to hiring for positions funded by grants. Establishes a process for contract cancellation for teachers. Provides that a collective bargaining agreement (agreement) may not include provisions that limit a school employer's ability to restructure schools that do not meet federal or state accountability standards, or that limit a school employer's ability to enter into programs that offer postsecondary credit or dual credits to students. Provides that an agreement may not extend beyond the end of a state budget biennium. Prohibits certain subjects from being bargained collectively, and provides that prohibited subjects and items that lead to deficit financing may not be included in an agreement. Removes provisions concerning discussion subjects. Provides that collective bargaining begins not later

than May 1, and makes corresponding changes to related sections. Provides that a school employer may end a status quo period. Provides that if a complaint that is filed alleging an unfair practice is found to be frivolous, the complaining party is liable for costs and attorney's fees. Repeals provisions concerning contract cancellation for teachers, the Indiana education employment relations board, certain definitions, a provision allowing the statutory procedures for refusing to continue or canceling a teacher contract to be modified by an agreement, staff performance evaluation, and subjects of discussion, and makes conforming changes to related sections.

HB1359 School administrators. (Turner) Assigned House Education

Digest Provides that a superintendent of schools is not required to hold a teacher's or superintendent's license. Provides that a school corporation may have a policy to require administrators to be residents of the school corporation. Repeals a requirement that a county superintendent of schools must have five years of successful teaching experience and hold a superintendent's license.

HB1381 Academic helpers program. (Thompson) Assigned House Education

Digest Creates the helpers enhance learning potential program to provide academic help for public school students in grades 1 through 3. Makes an appropriation.

HB1403 English immersion programs. (Kubacki) Assigned House Education

Digest Requires the department of education to establish pilot programs targeting at risk students in preschool and early childhood programs in which non-English dominant students are enrolled. Requires the department of education to address English immersion instruction for non-English dominant students when establishing pilot early education programs

HB1480 Selection of superintendent of public instruction. (Behning) Assigned House Elections & Apportionment

Digest Provides for the state superintendent of public instruction to be appointed by the governor. Repeals a statute relating to the residency of candidates for state superintendent of public instruction. Deletes a provision describing the term of office of the state superintendent of public instruction.

HB1581 Preschool and kindergarten programs. (Porter) Assigned House Education

Digest Provides that when adequate funds are available, a school corporation must conduct a full-day kindergarten and preschool program.

SB0085 Study of schools with low graduation rates. (Leising, Behning) Passed Senate 1/25/2011

Digest Creates the high school graduation study committee to study the causes of low graduation rates in certain schools and how the graduation rates can be improved.

SB0171 School start date and calendar. (Kruse, Delph, Schneider)

2/3/2011 S: 3rd Reading failed for lack of constitutional majority (23-25)

Digest Prohibits public schools and accredited nonpublic schools from beginning student

instructional days for the school year before the Tuesday after the first Monday in September (Labor Day) and from ending after June 10 of the following year, beginning with the 2013-2014 school year. Provides that a governing body may establish a beginning date before Labor Day or an end date for a school year that is later than June 10 for year-round schools, schools with balanced calendars, and schools that coordinate calendars with a postsecondary educational institution following public hearings and a majority vote of the governing body. Provides that a governing body may establish an end date for a school year that is later than June 10 for any school following public hearings and a majority vote of the governing body. Makes the change effective for collective bargaining agreements and contracts negotiated after June 30, 2013.

SB0317 Kindergarten. (Head) Assigned Senate Education & Career Development

Digest Provides that a student is required to begin school in the fall term of the school year in which the student becomes six years of age. (Current law requires the student to begin school in the fall term of the school year in which the student becomes seven years of age.) Requires that a student must be at least five years of age before: (1) September 1 of the 2012-2013 school year; (2) October 1 of the 2013-2014 school year; or (3) November 1 of the 2014-2015 school year or any subsequent school year; to enroll in a kindergarten offered by a school corporation. Removes provisions that: (1) require the school superintendent to make a determination as to whether a child who enrolls in school and has not attended kindergarten shall enroll in grade 1 or kindergarten; and (2) require the department of education to adopt a model assessment that may be used by the superintendent in making that determination.

SB0318 Student test scores. (Charbonneau, Head) Assigned Senate Education & Career Development

Digest Requires that information on the number and percentage of students meeting academic standards on certain tests be reported on the annual school performance report in the following categories: (1) All students. (2) Special education students. (3) Limited English language proficiency students. (4) All students except special education students. (5) All students except limited English language proficiency students. (6) All students except special education and limited English language proficiency students.

Government Reform

Run Time: Saturday, Feb-05-2011, 05:07 PM

HB1357 Local government reorganization. (Torr)

2/8/2011 Committee Scheduled 9:00 a.m. House Chambers Government & Regulatory Reform

Digest Provides that if a public question is to be placed on a special election ballot, the public question must be certified to the election board not later than noon 30 days before the notice of the election. Provides that the resolution or petition initiating a local government reorganization must specify the date of the election on the public question concerning the proposed reorganization. Provides that a public question concerning a proposed reorganization may be on the ballot at a primary, general, or special election. Specifies that a public question concerning a proposed reorganization may not be on the ballot at a primary election unless the primary election is held in all precincts of the reorganizing political subdivisions. Provides that in the case of a proposed local government reorganization that is initiated by the petition of a local unit

and that will be voted on at a special election, the reorganization committee must include in the reorganization plan a statement certifying: (1) that a fiscal impact analysis concerning the proposed reorganization has been prepared and made available; and (2) that the financial benefit of the proposed reorganization substantially outweighs the cost of holding the special election. Provides that a unit consisting of two or more townships and at least one municipality that have reorganized under the government reorganization statutes may exercise park and recreation powers if the unit's plan of reorganization authorizes the unit to exercise those powers. Specifies that such a unit may determine: (1) the number of members to be appointed to the unit's park and recreation board; (2) the person or entity that shall appoint or remove those members; (3) any required qualifications for those members; and (4) the terms of those members. Provides that such a unit may exercise planning and zoning power if the unit's plan of reorganization authorizes the unit to do so. Allows the legislative body of such a unit to establish an advisory plan commission and a board of zoning appeals to exercise planning and zoning functions within the unit. Provides that notwithstanding the statute setting out the classification of municipalities, for purposes of local government administration a municipality reorganized under the local government reorganization statutes may, subject to the approval of the department of local government finance: (1) be classified and described as set forth in the reorganization plan; and (2) maintain characteristics of any of the reorganizing political subdivisions. Reconciles two conflicting versions of the municipal classification statute.

HB1376 Local government. (Hinkle)

2/8/2011 Committee sched. 9:00 a.m. House Chambers Government & Regulatory Reform

Digest Abolishes all township boards on January 1, 2012. Specifies that after December 31, 2011, in each county: (1) the county fiscal body is the fiscal body and legislative body of each township in the county; and (2) the county fiscal body shall exercise the legislative and fiscal powers assigned in the Indiana Code to township boards, including the authority to adopt the township's annual budget and to levy township property taxes for township funds. Repeals statutes related to township boards. Provides that on January 1, 2012, the remaining township fire departments in Marion County are consolidated into the fire department of the consolidated city. Provides that in a county that: (1) contains a consolidated city; or (2) contains a second class city; township government is abolished on the earlier of: (1) January 1, 2015; or (2) the date established by resolution of the township board (before January 1, 2012) or the county fiscal body (after December 31, 2011) and approved by order of the township trustee; and township powers and duties are transferred to the county. Provides that in counties not containing a consolidated city or a second class city a public question shall be placed on the November 2012 general election ballot in the county regarding whether the voters want to retain township government. Provides that if a majority of voters in a county do not approve the public question, the powers and duties of the townships in the county are transferred to the county on January 1, 2015. Provides that a transfer of duties between the townships and the county results in the transfer of property, equipment, records, rights, contracts, and indebtedness. Provides that a township may not transfer or expend from the township's rainy day fund more than 1% of the balance in that rainy day fund in any 12 month period without approval of the county fiscal body. Specifies that any amounts transferred from the township's rainy day fund may be used by only as follows: (1) First, to pay any outstanding indebtedness of the township from which the money was transferred. (2) Second, for infrastructure within the township from which the money was transferred. Establishes a fire consolidation transition advisory group in each county in which

township government will be abolished. Requires the fire consolidation transition advisory group to do the following: (1) Develop a strategic plan to determine resource requirements and resource deployments for the consolidated fire department. (2) Submit recommendations. (3) Take steps as necessary to assist the transfer of powers and duties. Provides that a township assistance transition advisory group is established in each county in which township government will be abolished. Requires the township assistance transition advisory group to: (1) submit recommendations concerning the transition of responsibility for township assistance; and (2) take steps as necessary to assist the transition. Provides that if township powers and duties are transferred to the county, a coordinator of social services appointed by the county executive shall: (1) estimate the amount necessary to meet the cost of township assistance in the county; and (2) administer township assistance on a countywide basis. Requires the department of workforce development, the county office of the division of family resources, and any other state and local government agency to cooperate with the coordinator in providing assistance. Specifies the following apply in a county having a consolidated city: (1) The property tax rate imposed in 2012, 2013, and 2014 for fire protection within a township that consolidates its fire department or an excluded city that consolidates its fire department may not increase by more than 5% annually, as compared to the preceding year. (2) After 2014, the total property tax rate imposed for fire protection by the consolidated city and by the fire special service district in the area served by the consolidated fire department shall be a uniform rate throughout that area, and property tax revenue raised from the uniform property tax rate may be used only for fire protection purposes. Provides that a firefighter who is a member of the 1937 or 1977 fund remains a member of the same fund after the transfer of fire protection duties. Provides for the adjustment of property tax levies and budgets to account for the transfer of powers and duties of townships. Specifies that the fire department of the consolidated city shall be designated as the Indianapolis metropolitan fire department. Changes the membership of the fire merit board in a county having a consolidated city. Provides that the fire merit board in a county having a consolidated city has complete discretion to establish a classification of ranks, grades and positions in the fire department and shall designate the authority and responsibilities of each rank, grade and position. Specifies that an individual who becomes a firefighter employed by the metropolitan fire department through the consolidation of township fire protection services into the fire department of the consolidated city

SB0332 Termination of state agencies and programs. (Walker) Assigned Public Policy Digest Provides procedures to evaluate and terminate all state agencies and programs on a ten year cycle. Requires the schools of public and environmental affairs or business schools of Indiana University, Purdue University, Ball State University, Indiana State University, and the University of Southern Indiana to develop internship programs to give credit to students who perform the evaluation of state agencies and programs, and requires the universities to provide the evaluation service under the direction of the legislative services agency. Allows the governor, by executive order, to delay the date on which an agency or a program is terminated for one year beyond the specified date of termination under certain conditions. Provides that there is appropriated to any agency or program for which the governor delays the date of termination the same sum from the same sources of funds that the agency or program received for its appropriation in the fiscal year before its original date for termination.

Health

HB1062 Basic health insurance coverage. (T. Brown) Assigned Insurance

Digest Allows, under certain circumstances, an accident and sickness insurer or a health maintenance organization to provide a policy or contract without complying with all health benefit mandates.

HB1084 Nursing home employee and resident protection. (Rhoads) Assigned Public Health

Digest Provides that a person who intentionally retaliates or discriminates against a resident or employee of a health facility for: (1) contacting or providing information to any state official or supervisor; or (2) in good faith, contacting or providing information concerning a resident's health or safety to a state official, supervisor, health care professional employed or under contract with the health facility or resident, or spouse or other individual authorized to give health care consent for the resident; commits a Class C misdemeanor.

SB0461 Health care reform matters. (Miller, Simpson, T. Brown)

2-3-2011passed Senate sent to House

Digest Allows the office of Medicaid policy and planning (office) to request federal approval to change how the state determines Medicaid eligibility for the aged, blind and disabled. Requires the Indiana check up plan (plan) to include any federally required bench mark services. Allows, instead of requires, the plan to include dental and vision services. Makes the following changes concerning the plan beginning January 1, 2014: (1) changes income eligibility requirements for the plan from 200% to 133%; and (2) removes the requirement that the individual's employer not provide health insurance and that the individual be without health insurance for six months. Allows a nonprofit organization and health insurers to make deposits into a plan participant's account under specified circumstances. Requires a plan participant to contribute at least \$60 per year. Requires a health insurer that provides coverage under the plan until December 31, 2013, to also offer to provide coverage to certain other individuals in a manner consistent with federal law concerning underwriting, rating, and with state approval of the rate. Allows the office to amend the plan in a manner to be used to cover individuals eligible for Medicaid resulting from passage of the federal Patient Protection and Affordable Care Act (Act). Amends current health insurance law to specify application of the law in conformity with the Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, including provisions concerning coverage of children until age 26, grievances, and rescissions. Makes conforming amendments.

Notes

This is the priority bill to begin laying ground work for health care reform at the state level. It is mostly good language with a couple of question marks that advocates are working out with Sen. Miller.

SB0580 Indiana health exchange. (Simpson) Assigned Health & Provider Services

Digest Requires the commissioner of the department of insurance and the secretary of family and social services to perform certain tasks and report to the health finance commission to design, implement, and administer the Indiana health exchange in accordance with federal law. Specifies certain exchange related requirements, including financial requirements and health plan certification requirements.

SJR0011 Right to opt out of health care system. (Kruise) Assigned Judiciary

Digest Proposes an amendment to the state constitution to specify certain rights with respect to health care. This proposed amendment has not been previously agreed to by a general assembly.

Notes

The Governor signed an executive order stating that Indiana will create a state exchange and implement the Affordable Care Act as mandated so we do not expect any of these resolutions to move at this time.

SJR0015 Right to opt out of health care system. (Grooms) Assigned Judiciary

Digest Proposes an amendment to the Constitution of the State of Indiana to specify certain rights with respect to health care. This proposed amendment has not been previously agreed to by a general assembly.

Immigration

HB1237 Medicaid matters. (Davisson) Assigned Public Health

Digest Requires the office of Medicaid policy and planning (office) to take specified action in considering whether to begin the competitive bid process for certain items and services. Requires the office to ensure that: (1) the competitive bidding procedure is open to all persons currently providing the item or service for the Medicaid program; and (2) the bidding specifications are not written to give an advantage to an out-of-state company. Requires the office to apply for a Medicaid state plan amendment or a Medicaid waiver to limit Medicaid services to legal residents of the United States. Repeals Medicaid provisions that specify that refugees and lawful permanent residents are eligible for Medicaid.

HB1255 State official documents to be printed in English. (Crouch, Tomes) Passed House 1/24/2011 sent to Senate

Digest Requires that official documents or communications issued by, on behalf of, or representing the state must be issued in the English language. Provides for certain exceptions.

HB1402 Prohibiting resident tuition for illegal aliens. (Karickhoff) 2/7/2011 Committee Sched 10:30 room 156 C

Digest Provides that an individual who is not lawfully in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution.

SB0590 Illegal immigration matters. (Kruise, Delph)

2/9/2011 Committee Sched. 3:30 P.M. Senate Chamber

Digest Makes various changes to law concerning enforcement of federal immigration laws, checking the citizenship or immigration status of individuals, and related criminal matters, including the following: (1) Requiring that only English be used, with certain exceptions, in public meetings, public documents, by officers and employees of state or political subdivisions in performing their duties, and providing information communicated electronically by the state or a political subdivision. (2) Requiring the office of management and budget to calculate the costs of illegal aliens to Indiana and make a written request to the Congress of the United States to reimburse the state for those costs. (3) Prohibiting governmental bodies from restricting or

limiting certain actions by other governmental bodies with regard to information of the citizenship or immigration status of an individual. (4) Prohibiting a governmental body from limiting or restricting the enforcement of federal immigration laws to less than the full extent permitted by federal law. (5) Requiring law enforcement officers to verify the citizenship or immigration status of individuals in certain situations. (6) Establishing a process to suspend or revoke business licenses of employers who knowingly employ unauthorized aliens. (7) Requiring the superintendent of state police to negotiate the terms of a memorandum of agreement with the federal government so that state police employees can be trained to enforce federal immigration and customs

Miscellaneous

[HB1028](#) Employee's right to work. ([Culver](#)) Assigned Employment, Labor and Pensions

Digest Makes it a Class A misdemeanor to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations.

[HB1029](#) Evaluation of appointments of major agency heads. ([Delaney](#)) Assigned Rules & Legislative Procedures

Digest Establishes the joint committee on appointment of major agency heads consisting of eight members of the general assembly. Defines "major agency appointment" as the governor's appointment of: (1) a member of the Indiana utility regulatory commission; (2) the commissioner of the Indiana department of transportation; (3) the secretary of family and social services; (4) the commissioner of the Indiana department of environmental management; or (5) the commissioner of labor. Requires the committee to meet whenever its chair is notified by the governor of the governor's intent to make a major agency appointment to receive information and discuss the fitness and competence of the individual the governor intends to appoint. Requires the committee to report to the governor and the legislative council its findings regarding the appointee's fitness and competence. Provides that an individual appointed by the governor to a major agency appointment does not take office until 45 days after the governor notifies the chair of the committee of the appointment. Repeals the statute that establishes the utility regulatory commission nominating committee and a related noncode statute.

[HB1078](#) Application of foreign law. ([Noe](#)) Assigned Judiciary

Digest Prohibits the enforcement of a foreign law (defined as a law established and used outside the jurisdiction of the United States) if the enforcement would violate a right granted by the Indiana or United States constitution. Provides that a provision in a contract or agreement between natural persons calling for the application of foreign law is not enforceable and is void if the provision cannot be modified. Prohibits a court from granting certain motions to transfer a case to another jurisdiction if the transfer is likely to affect the constitutional rights of the nonmoving party.

[HCR0012](#) Exhibiting State of Indiana's support for the nation of Israel. ([Bosma](#)) 2/8/2011 Committee Schedule upon Adjournment Rm156A

Digest A CONCURRENT RESOLUTION exhibiting the State of Indiana's support for the nation of Israel.

SB0331 FSSA matters. (Miller) 2/9/2011 Committee Sched. 9:00 a.m. Senate Chamber Health & Provider Services

Digest Authorizes the division of aging, the bureau of aging services, the division of disability and rehabilitative services, and the bureau of developmental disabilities services to issue certain notice orders and citations against a provider that violates certain rules. Allows the Indiana state police to release criminal background check information concerning the maintenance of a child care provider's license. Requires the division of aging to establish standards of practice governing the services provided by the adult protective services unit. Requires the Alzheimer's disease and related senile dementia task force (task force) to develop a state plan concerning the provision of Alzheimer's and related senile dementia services and sunsets the task force on December 31, 2013. Reduces the statewide independent living council from a minimum of 20 members to a minimum of 11 members. Requires a family to be provided a cash assistance benefit of at least \$10 under the Temporary Assistance for Needy Families (TANF) program if certain income standards and employment earnings are met. Specifies that access to a child support enforcement program and IMPACT (JOBS) training program are included as TANF services for certain eligible families. Deems that a Medicaid recipient has automatically assigned certain medical support rights for the duration of the recipient's enrollment in Medicaid. Eliminates the office of Medicaid policy and planning's ability to disregard certain contributions and allows the office to implement certain optional federal provisions. Changes the time after which certain Medicaid program changes may take effect from 45 to 30 days after issuance of the notice or bulletin concerning the change. Removes language from the definition of "Medicaid inpatient days" concerning dually eligible individuals. Specifies that certain recreation programs for school age children may be exempt from licensure requirements. Transfers administrative rules concerning aging to the division of aging. Repeals: (1) a provision that requires the adult protective services unit and the division of aging to destroy any records concerning a report concerning an endangered adult that is unsubstantiated; (2) expiration dates for the office of the secretary of family and social services, the office of Medicaid policy and planning, the statutes concerning directors of divisions within family and social services (FSSA), and certain advisory committees under the FSSA statutes; (3) the law concerning Alzheimer's disease and related senile dementia programs; and (4) the law concerning supplemental payments for ambulance transportation services. Makes technical changes.

SJR0014 Constitutional convention to limit federal power. (Holdman) 2/16/2011 committee scheduled 9:00 a.m. Senate Chamber – Judiciary

Digest Makes application to Congress to call a convention under Article V of the Constitution of the United States to propose an amendment to the Constitution relating to the following topics: (1) Improving the fiscal management of the federal government. (2) Improving the legislative process of Congress. (3) Restraining the powers of the federal government. (4) Empowering the legislatures of the several states, with stated exceptions, to repeal all or certain acts of Congress and administrative regulations.

Public Safety

HB1540 Preemption of local firearm regulation. (Speedy) 2/9/2011 Committee Sched 8:30

Rm. 156 B

Digest Prohibits, with certain exceptions, a political subdivision from regulating any matter pertaining to firearms, ammunition, and firearm accessories affected by an ordinance, measure, enactment, rule, or policy of the political subdivision that violates the law.. Allows a person to file an action against a political subdivision if the person is adversely

SB0291 Indiana firearms freedom act. (Kruse, Tomes) Assigned Corrections, Criminal and Civil Matters

Digest Provides that a firearm, a firearm accessory, or ammunition that: (1) is manufactured commercially or privately in Indiana from basic materials; (2) can be manufactured without the inclusion of any significant parts imported from another state; and (3) remains within the borders of Indiana; is not subject to federal law or federal regulation, including registration, under the authority of the United States Congress to regulate interstate commerce.

SB0292 Preemption of local firearm regulation. (Tomes) 1/27/2011 committee report – Amend do pass Senate

Digest Prohibits, with certain exceptions, a political subdivision from regulating any matter pertaining to firearms, ammunition, and firearm accessories. Allows a person to file an action against a political subdivision if the person is adversely affected by an ordinance, measure, enactment, rule, or policy of the political subdivision that violates the law.

SB0319 Firearms on school property. (Banks) Assigned Corrections, Criminal & Civil Matters

Digest Makes unlawful possession of a firearm: (1) in or on school property; (2) in or on property that is being used by a school for a school function; or (3) on a school bus; a Class A misdemeanor instead of a Class D felony. Provides that the law concerning unlawful possession of a firearm in or on school property or in or on property that is being used by a school for a school function does not apply to a person who may legally possess a firearm, possesses a valid license to carry a handgun, is not a student enrolled in the school, and stores a firearm: (1) in a motor vehicle that is parked in or on school property or parked in or on property that is being used by the school for a school function; and (2) that is locked in the trunk of the motor vehicle, kept in the glove compartment of the locked motor vehicle, or stored out of plain sight in the locked motor vehicle.

SB0411 Disclosure of firearm or ammunition information. (Nugent, Tomes) 2/3/2011 Senate Passed 2nd reading

Digest Provides that a civil action may be brought against a public or private employer that has: (1) required an applicant for employment or an employee to disclose information under certain circumstances about whether the applicant or employee owns, possesses, uses, or transports a firearm or ammunition; or (2) conditioned employment, or any rights, benefits, privileges, or opportunities offered by the employment, upon an agreement that the applicant for employment or the employee forgo the otherwise lawful ownership, possession, storage, transportation, or use of a firearm or ammunition. Provides that a governmental entity may not restrict the possession of a firearm at a person's residence during a declared emergency.

SB0506 Handgun possession. (Kruse, Tomes) 1/27/2011 Committee Report Do pass

Digest Allows a person to carry a handgun on or about the person's body without being licensed to carry a handgun if: (1) the person is in or on property, or in a vehicle, that is owned, leased, rented, or otherwise legally controlled by the person; (2) the person is lawfully present in or on private property, or in a vehicle, that is owned, leased, rented, or otherwise legally controlled by another person; (3) the person is carrying the handgun at a shooting range, while attending a firearms instructional course, or while engaged in a legal hunting activity; or (4) the handgun is unloaded and securely wrapped. (Current law provides that a person who does not possess a valid handgun license may not carry a handgun in any vehicle or on or about the person's body unless the person: (1) is in the person's dwelling or fixed place of business or on the person's property; or (2) is carrying the handgun unloaded and in a secure wrapper from the place where the handgun was purchased to the person's dwelling or fixed place of business, between a handgun repair shop and the person's dwelling or fixed place of business, or from one dwelling or fixed place of business to another.) Specifies that a person who has been convicted of domestic battery may not possess or carry a handgun unless the person's right to possess a firearm has been restored by a court.

Reproductive Rights

HB1205 Abortion funding. (Ubelhor) Assigned Public Policy

Digest Prohibits state agencies from entering contracts with or making grants to any entity that performs abortions or maintains or operates a facility where abortions are performed. Cancels state funding for any current contracts with or grants to any entity that performs abortions or maintains or operates a facility where abortions are performed.

Notes

We heard from Speaker Bosma that HB1205 and HB1210 will be the anti-choice bills heard in the House this session.

HB1210 Various abortion matters. (Turner) 2/3/2011 Reassigned Public Policy

Digest Provides that for consent to an abortion to be voluntary and informed, a physician must inform the pregnant woman that the fetus might feel pain. Requires a pregnant woman seeking an abortion to view fetal ultrasound imaging unless the pregnant woman states in writing that the pregnant woman does not want to view the fetal ultrasound imaging. Requires a physician who performs an abortion to: (1) have admitting privileges at a hospital in the county or in a county adjacent to the county where the abortion is performed; and (2) notify the patient of the hospital location where the patient can receive follow-up care by the physician. Prohibits qualified health plans under the federal health care reform law from providing coverage for abortion.

HB1476 Medicaid waiver for family planning services. (T. Brown) Assigned Public Health

Digest Requires the office of Medicaid policy and planning to apply for a demonstration waiver to extend Medicaid coverage of family planning services for certain women.

SB0020 State contracts and grants. (Walker) Assigned Public Policy

Digest Prohibits state agencies from entering into contracts with or making grants to Planned Parenthood of Indiana. Cancels state funding for any current contracts with or grants to Planned Parenthood of Indiana.

SB0116 Abortion coverage by qualified health plans. (Kruse, Steele, Holdman) Assigned Health & Provider Services

Digest Prohibits qualified health plans under the federal health care reform law from providing coverage for abortion.

SB0241 Coverage of elective abortions. (Kruse) Assigned Health & Provider Services

Digest Prohibits a policy of accident and sickness insurance or an individual or group contract from providing coverage for an elective abortion. Allows an insurer or health maintenance organization to offer coverage of an elective abortion only if the coverage is offered in a separate rider or endorsement. Sets forth requirements of the rider or endorsement for elective abortions.

SB0290 Prohibition of abortion. (Kruse, Tomes) Assigned Health & Provider Services

Digest Prohibits abortion in Indiana unless a physician determines, based on sound medical practice, that the abortion is necessary to save the life of a pregnant woman. Creates a Class C felony for a person who knowingly, intentionally, or recklessly performs an abortion. Removes references to abortion clinics. Repeals current statutes governing the performance of abortions.

SB0328 Abortion matters and physician privileges. (Miller)

2/7/2011 Committee Sched. Upon Adjournment Senate Chamber

Digest Provides that for consent to an abortion to be voluntary and informed, a physician must inform the pregnant woman that there is differing medical evidence concerning when a fetus feels pain. Provides that notice must be given to a pregnant woman in writing at least 18 hours before an abortion: (1) concerning the availability of adoptions and that certain adoption-related expenses may be borne by the adoptive parents; (2) concerning physical risks to the woman in having an abortion; (3) concerning physical risks to the woman for carrying the fetus to term; and (4) stating that an embryo formed by the fertilization of a human ovum by a human sperm immediately begins to divide and grow as human physical life. Requires a physician who performs an abortion to: (1) have admitting privileges at a hospital in the county or in a county adjacent to the county where the abortion is performed; and (2) notify the patient of the hospital location where the patient can receive follow-up care by the physician.

Notes

SB328 will be amended with language from SB457 this Monday evening in committee hearing.

SB0457 Informed consent requirements before abortion. (Kruse, Walker, Banks)

2/7/2011 Committee Schedule upon Adjournment Senate Chamber

Digest Adds information that a pregnant woman must be informed of orally and in writing (current law requires that the information be given only orally) before an abortion may be performed concerning the physician, risks involved, information concerning the fetus, available assistance, and existing law. Requires the state department of health to develop materials to be provided to a pregnant woman setting forth certain information and to post the materials on the state department's web site.

Notes

SB457 contains some pretty egregious language that would be mandated to be contained in the informed consent language read to a woman before an abortion including that having an elective

abortion will increase a woman's risk for breast cancer, mental illness, and future miscarriages. None of this information is supported by any credible scientific research.