

Legislative Agenda

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Indiana Chamber
The Voice of
Indiana Business.

Chamber Outlines Bill Positions

Introduction

By Kevin Brinegar, president, Indiana Chamber of Commerce

This **third edition** of the Indiana Chamber's 2009 *Legislative Agenda* continues an evolving public policy process for the organization and the state's business community.

Chamber policy committees, composed of employee volunteers from member companies, meet throughout the year. They identify key issues, research the topics and help define policy positions, which are adopted each fall by the Chamber's board of directors.

The organization's policy positions are outlined in the annual *Business Issues* publication, with the 2009 edition presented to all members of the General Assembly at the beginning of the current session. *Legislative Agenda* matches

those policy positions with specific feedback on the bills introduced in the House and Senate.

This publication provides clear input on issues that not only affect the Indiana business community, but also communities, families and individuals throughout the state. We strive to provide you with a clear understanding of our positions on key bills that will assist you as you proceed during this legislative session.

Please contact me, or any of the members of the Chamber's government affairs team, with questions about this *Legislative Agenda*.

House Bills

HB 1001 Budget Bill (Crawford)

Makes appropriations for the biennium for the operation of state government and various other uses. Authorizes the issuance of bonds for various capital projects. Adds requirements concerning money available under the federal American Recovery and Reinvestment Act of 2009 (ARRA). Amends the definition of "Internal Revenue Code" used in Indiana statutes and regulations to refer to the Internal Revenue Code in effect on February 17, 2009. Reallocates the cigarette tax revenue that is used to offset the employer health plan tax credit to a new state retiree health benefit trust fund. Provides that a taxpayer is entitled to a state tax credit for a contribution to a scholarship granting organization. Requires the budget agency to review the costs of providing employee health, vision and dental insurance for state employees and employees of school corporations and public universities. Establishes the Indiana Soldiers' and Sailors' Children's Home task force. Makes numerous education funding decisions (see facing column) and other numerous changes. **Chamber Position: SUPPORT IN PART Reason:** The Chamber supports numerous aspects of the Senate version of the budget, including: the reasonable use of federal ARRA monies; the maintenance of prudent reserve balances; funding the 21st Century Research and Technology Fund and other appropriations that will promote economic development; and, updating the Indiana tax laws to comply with the federal Internal Revenue Code.

Contact: Bill Waltz (317) 264-6887

HB 1001 Budget Bill – Education Funding (Crawford)

Education components include: K-12 funding increases of 1.9% in 2010 and 2.1% in 2011; continued funding for charter schools; funding for virtual charter schools that is 80% of state averages; establishment of school scholarship tax credit (via SB 528 language); broadened eligibility for adult education providers (via HB 1129 language); higher education funding increases of 0.6% in 2010 and 1.4% in 2011; partial adoption of the Commission for Higher Education's performance-based funding formula; continuation of the commission's role in approving higher education construction projects; and more. **Chamber Position: SUPPORT IN PART Reason:** Among the education components of this bill, the Chamber supports: several changes to the school funding formula that focus on students rather than districts; partial implementation of performance-based funding for higher education; restoration of charter school funding; and inclusion of SB 528 (School Scholarship Tax Credit) and HB 1129 (Adult Education Program). While we support education funding as the top priority for the state, overall funding levels may be too high given current economic challenges.

Contact: Derek Redelman (317) 264-6880

HB 1014 Age Discrimination (V. Smith)

Increases the upper age limit for coverage from 70 years to 75 years. **Chamber Position: SUPPORT Reason:** These changes will not result in an increased burden on small employers.

Contact: George Raymond (317) 264-6884

HB 1033 Renewable Energy (Grubb/Deig)
Requires the State Utility Forecasting Group when formulating suggestions in its annual report to evaluate potential methane opportunities from biomass as a source of renewable energy, considering information provided by the United States Environmental Protection Agency AgSTAR Program. Requires the Department of Agriculture in its administration of economic development efforts for agriculture to facilitate the use of biomass to generate renewable energy. **Chamber Position: SUPPORT Reason:** With dwindling electric power reserves and many energy challenges, the Chamber supports a diversified fuel mix including clean coal technologies, natural gas, nuclear, energy conservation and renewables. The renewables, including biomass, should be studied and promoted with incentives not mandates.
Contact: Vince Griffin (317) 264-6881

HB 1036 Lifelong Learning Account Pilot Program & Scholarship Tax Credits (Klinker)
Creates a tax credit for financial contributions to an individual's private training account to be used by adults for workforce training. Also creates a tax credit for contributions to private scholarship funds to help low-income parents to select the K-12 schools of their choice. **Chamber Position: SUPPORT IN PART Reason:** The Chamber has noted that nearly one-third of Indiana's incumbent workforce does not have the skills needed for success in today's economy; thus, there is tremendous need for the state to provide financial support and other incentives to encourage many more adults to seek training and other learning opportunities. The adult part of this proposal has the potential to help with that critical goal, but in order for the program to be effective, it must include stronger incentives for participation by employers and must also incentivize participants to seek training opportunities in high-demand occupational fields. The scholarship tax credit for K-12 education is a strong proposal for helping low-income parents to choose the very best schools for their individual children.
Contact: Derek Redelman (317) 264-6880

HB 1097 Indoor Air Quality (Barnes/Gard)
Requires the state Department of Health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies, and requires the state board of education to consider adoption of those rules. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing and may be made by electronic mail. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Provides that the SDOH: (1) shall distribute a manual of best practices for managing indoor air quality at schools, but may use a manual developed by another state or a federal health and environmental agency; and (2) shall review and revise the manual at least once every three years. **Chamber Position: SUPPORT Reason:** The Chamber supports the maintenance of indoor air quality in schools and state agencies.

As amended, HB 1097 recognizes that there currently exists a program to respond to complaints. (The Chamber believes that if this program has needed areas of improvement, they should be identified and addressed but not necessarily remedied by statute.) Also, as there exists an Environmental Protection Agency best-practices manual for managing indoor air quality within schools, the SDOH can refer to this manual.
Contact: Vince Griffin (317) 264-6881

HB 1162 Environmental Issues (Tyler)
Provides that if a person has been issued a permit by the Indiana Department of Environmental Management to construct, install or operate a facility, equipment or a device, the person may not start the construction, installation, operation or modification of the facility, equipment or device until the person has obtained any approval required by any county, city or town in which the facility, equipment or device is located. Allows the board of a regional water, sewer or solid waste district to adopt an ordinance allowing payment of certain claims in advance of board allowance. ... **Chamber Position: SUPPORT Reason:** Indiana's remediation program has improved but there is work to be done. HB 1162 clarifies and directs the state to more fairly administer the program to promote the clean-up of contaminated sites and to better use the available funds. Key stakeholders in the "antidegradation" issue have been aggressively working toward a compromise. It is the goal of HB 1162 to clarify issues and facilitate the stakeholders' efforts.
Contact: Vince Griffin (317) 264-6881

HB 1167 Actions Based Upon Exposure to Hazardous Substances (Tyler)
Requests an interim study committee to examine various issues associated with asbestos. **Chamber Position: SUPPORT Reason:** The Chamber supports studying this topic.
Contact: George Raymond (317) 264-6884

HB 1224 Water Resources Task Force (Stemler)
Creates a 10-member drinking water task force to study and make recommendations concerning drinking water availability as an economic and environmental necessity. Provides that appointments to the task force are made by the director of the Department of Natural Resources (DNR) and requires DNR to staff the task force. Requires certain state agencies to designate a representative to advise the task force. Permits the director of DNR to invite representatives of other state and federal agencies to advise the task force. Requires the task force to make an annual report of its activities to the water resources study committee and the Legislative Council. Requires the water resources study committee to study the regulation of residential irrigation system installations and ground water preservation and protection. **Chamber Position: SUPPORT Reason:** Indiana has long had a reliable, adequate and affordable water supply. As our population has grown and the water supply infrastructure has not significantly been expanded, that advantage is in jeopardy. Indiana should develop a comprehensive water supply plan using an external body of stakeholders to direct the effort.
Contact: Vince Griffin (317) 264-6881

HB 1278 Water and Utilities (M. Smith/Bray)
Urges the Legislative Council to assign to a study committee the topic of water rights, drainage and utilities. Prohibits a municipality or other governmental unit from exercising eminent domain with respect to certain utilities or from requiring certain utilities to sell certain property to the municipality or governmental unit. **Chamber Position: SUPPORT Reason:** Nearly 200 years of Common Law has directed how Indiana will handle its water rights. Any change to that doctrine should be given careful thought through a summer study committee.

Contact: Vince Griffin (317) 264-6881

HB 1300 Health Plan Requirements and Study (Welch)

Requires insurers to provide information to the insurance commissioner concerning the costs and savings of implementing direct reimbursement to out-of-network health care providers (the assignment of benefits concept). Requires certain health plan notification to covered individuals concerning claim payments. Requires the Health Finance Commission to study: (1) health plan provider contract provisions that would require a contracted provider to accept more than a certain number of patients; and (2) whether an insurer should be required to directly reimburse an out-of-network health care provider. **Chamber Position: SUPPORT IN PART Reason:** The Chamber isn't certain that much more information will be garnered from the Department of Insurance studying the costs and savings of assignment of benefits than was obtained from the Mandated Benefits Task Force study last summer. There is no harm in the Health Finance Commission study for the number of patients in provider contracts. The Chamber will strongly oppose this bill if it becomes a vehicle for full-blown assignment of benefits.

Contact: Mike Ripley (317) 264-6883

HB 1311 Hearing Aid Assistance Study (Goodin)

Requires the office of the secretary of Family and Social Services, the Department of Education and the state Department of Health to study the need for a hearing aid refurbishing program and specified issues related to Indiana children who are hearing impaired, as well as the level of need for hearing aid assistance. Requires the agencies to report the findings of the study to the Health Finance Commission for the commission's review during the 2009 interim. **Chamber Position: SUPPORT Reason:** The Chamber supports alternative methods of funding or studying health care issues that will not drive up the cost of health insurance premiums on employers.

Contact: Mike Ripley (317) 264-6883

HB 1343 School Dropout Prevention (Pryor)

Creates the dropout prevention fund, to be administered by the Department of Education, to: (1) provide money for school corporation programs that identify students who are at risk of dropping out of school; and (2) provide appropriate interventions for those students. **Chamber Position: SUPPORT Reason:** This bill attempts to address one of the greatest crises facing our state – a pipeline of nearly 20,000 students per year who leave

high school without having earned a diploma. The Chamber encourages the state to embark on a range of options to explore how this persistent crisis might be addressed; and this proposal offers a potential tool for embarking on that exploration.

Contact: Derek Redelman (317) 264-6880

HB 1345 21st Century Research and Technology Fund (Crawford)

Provides that the legislative evaluation and oversight policy subcommittee of the Legislative Council shall direct an audit of the Indiana Economic Development Corporation's (IEDC) administration of the Indiana 21st Century Research and Technology Fund in 2009. Requires the chairman of the Legislative Council to appoint a committee in 2009 to perform specified duties. **Chamber Position: OPPOSE Reason:** The Chamber supports the goals and activities of the 21st Research and Technology Fund, and believes that public accountability for the fund is both appropriate and necessary. However, this legislation seems unnecessary given current IEDC reporting.

Contact: Cam Carter (317) 264-6892

HB 1348 International Energy Conservation Code (Dvorak)

Requires the Fire Prevention and Building Safety Commission to adopt the most recent edition of the (1) International Energy Conservation Code as published by the International Code Council; or (2) American Society of Heating, Refrigerating or Air-Conditioning Engineers Standard 90.1; for Class 1 structures before July 1, 2010. **Chamber Position: SUPPORT Reason:** This amended bill recognizes the existing editions of the Energy Conservation Code, and with our challenged electric power reserves and the need for more energy efficiency, the Chamber supports the adoption of the most current Energy Conservation Code in an expeditious manner.

Contact: Vince Griffin (317) 264-6881

HB 1379 Improper Classification of Employees (Niezgodski)

Provides that an individual performing services for a contractor or subcontractor on a construction project is considered to be an employee of the contractor or subcontractor, with certain exceptions. Provides for the sharing of information concerning the classification of individuals as independent contractors among the Department of Labor, the Department of Revenue, the Department of Workforce Development and the Worker's Compensation Board of Indiana. Changes the taxable wage base from \$7,000 to \$10,000. Changes wage credits for computation of a claim from \$9,250 to \$11,000. Makes severance pay, subpay, bonuses, gifts and prizes deductible income. Phases out the current tax rate schedule and provides a new tax rate schedule effective in 2010. Provides for an employer surcharge for 2009 that is equal to 10% of the employer's applicable 2009 contribution rate multiplied by the employer's 2009 taxable wages. **Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason:** The sharing of information between the various state agencies should help the enforcement of these laws

and regulations. Most of the changes made to the bill concerning the unemployment trust fund situation are necessary changes. Because of the enormity of this problem, the Chamber would like to see a modest premium charged to and paid by employees.

Contact: George Raymond (317) 264-6884

HB 1447 Taxation (Welch)

This omnibus bill makes numerous changes to a wide range of tax matters affecting sales, income, property and nearly every other tax. The initial bill contained only what are essentially technical revisions to the property tax reforms passed in HEA 1001-2008 (the introduced version was prepared by the Commission on State Tax and Financing Policy). A great variety of tax and public finance provisions have been added, including the volume of provisions contained in two other large tax related bills, SB 541 and SB 561. While SB 541 dealt with matters under the purview of the Department of Revenue (income, sales and other taxes), SB 561 focused on issues handled by the Department of Local Government Finance (property taxes). **Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason:** While neutral on many of the bill's provisions, the Chamber supports or opposes various elements of HB 1447. Regarding the incorporated SB 541, the Chamber supports conformance with the streamlined sales tax effort, but opposes the effect of certain provisions regarding pass-through entities; in particular, language that would subject nonresident limited partners investing with Indiana investment companies to Indiana income tax for non-Indiana sourced income. The Chamber seeks that these provisions be limited by clarification. Additionally, the Chamber supports several portions of the incorporated SB 561, including efforts to identify problems and promote changes in the statutory procedures that govern the local budget making and assessment process. This bill contains numerous such improvements.

Contact: Bill Waltz (317) 264-6887

HB 1589 Electronic Waste (Sullivan)

Requires manufacturers of electronic devices to register with the Indiana Department of Environmental Management (IDEM) and establish and implement a program to recover these devices from households, public schools and small businesses. Defines what items are included and excluded from the program. Provides that a program year for the electronic waste recycling program begins April 1 and ends the following March 31, and that the first program year begins April 1, 2010. To operate as a collector or as a recycler, requires that a person must submit to IDEM the registration currently required under rules of the solid waste management board and must otherwise comply with those rules. Provides that a manufacturer must pay to IDEM a registration fee of \$5,000 for the initial program year and \$2,500 for each program year thereafter. ... **Chamber Position: SUPPORT Reason:** Electronic waste (E-waste) represents the fastest growing waste stream in our society. If handled improperly, it may present an environmental and public health threat. Our landfills are built to the strictest standards and are appropriate final disposal sites for E-waste. However, to reuse and recycle these products is preferred. The Chamber supports a program that promotes the reuse/recycling of E-waste and the fee to pay for the handling, recycling and disposal of E-waste should not be

an unfair burden on Indiana business or consumers. The landfill operators and removal companies should not be placed in the role of the E-waste police, and a resident not in the position to be a criminal if they place an E-waste item on the curb for pick up.

Contact: Vince Griffin (317) 264-6881

HB 1669 Geothermal Conversion Loans (Moses)

Establishes the geothermal conversion revolving fund for the purpose of making loans to school corporations that: (1) install a geothermal heating and cooling system in a new facility; or (2) install a geothermal heating and cooling system that replaces a conventional heating and cooling system. Provides that the fund is administered by the Indiana Finance Authority. Requires the authority to establish a written procedure for providing loans from the fund to school corporations. Specifies that a loan from the fund may not exceed the difference between: (1) the cost of installing a geothermal heating and cooling system; and (2) the cost of installing a conventional heating and cooling system. Requires a school corporation to enter into a loan agreement with the authority before receiving a loan from the fund. Requires the authority to report annually to the budget committee concerning the projects funded with loans from the fund. **Chamber Position: SUPPORT Reason:** With dwindling electric power reserves and many energy challenges, the Chamber supports efforts that promote the production of energy and energy efficiencies while not jeopardizing our current generation of adequate, reliable and affordable power. The Chamber supports incentives that promote renewable energy but not the mandated purchase of power that is unreliable or costly. Geothermal power represents one of the few stable and consistent sources in the form of energy conservation available in Indiana and will realize significant savings to the taxpayers in the future.

Contact: Vince Griffin (317) 264-6881

HB 1697 Office of Small Business Advancement (Michael)

Requires the Indiana Economic Development Corporation (IEDC) to establish the Office of Small Business Advancement to carry out the corporation's duties concerning the development of small businesses. Specifies information that must be contained in the corporation's annual report. Requires the corporation to assist small businesses in obtaining state and federal tax incentives. Requires the corporation to establish a statewide network of public, private and educational resources to inform small businesses of the state and federal programs under which they may obtain financial assistance or realize reduced costs. **Chamber Position: OPPOSE IN PART Reason:** The Chamber believes that the IEDC has demonstrated its commitment to helping Indiana's small business sector and that this legislation, while well-intended, is not necessary. The IEDC's existing Small Business Division and the statewide Small Business Development Center network is already doing the work contained in this legislation with adequate accountability and reporting requirements.

Contact: Cam Carter (317) 264-6892

Senate Bills

SB 14 Accessibility of Satellite Voting Locations (Miller)

Requires a satellite office for voting to meet the same accessibility requirements that apply to a polling place for a precinct.

Chamber Position: SUPPORT Reason: Making sure that all polling locations (precincts, vote centers and satellite offices) are fully accessible to all voters, disabled or abled, ensures that all voters have equal ability to vote at the location of their choosing.

Contact: Michael Davis (317) 264-7544

SB 142 Commercial Vehicle Policies (Steele)

Requires an insurance carrier to offer uninsured/underinsured motorist (UM/UIM) coverage on commercial vehicle policies. The bill also extends UM/UIM coverage to a commercial excess liability or a commercial umbrella policy, with the exception of motor carriers that meet federal levels of financial responsibility. Specifies that the named insured is the one rejecting UM/UIM coverage for all other persons entitled to coverage on the policy. **Chamber Position: OPPOSE**

Reason: Commercial UM/UIM coverage is protection from an uninsured or underinsured motorist that causes bodily injury or property damage to an employer or employee of the company while driving a vehicle in the course of business. Many employers reject this coverage. Employers purchase excess liability and umbrella policies to increase their liability protection against damages that they may unintentionally do to others. An employer may elect UM/UIM but may not want to have it extended to the commercial liability or umbrella policy because an employee is covered under worker's compensation for any injury sustained. Trial lawyers want the extension of UM/UIM to the commercial excess liability or umbrella because it provides them with greater access to policy limits for pain and suffering for that employee, which is not what the employer intended when purchasing that coverage. In addition, because of previous Indiana and Ohio Supreme Court cases, this bill will most likely raise the costs of commercial excess liability and umbrella policies to employers.

Contact: Mike Ripley (317) 264-6883

SB 218 Anatomic Pathology Services and Anatomical Education (Miller)

Requires a health care provider or clinical laboratory that sends a patient sample for anatomic pathology services to a referral laboratory to disclose to the patient if the health care provider or clinical laboratory has a financial interest in the referral laboratory. Authorizes direct payment is to be made to a non-contracted provider who renders health care service on an emergency basis or a health care service rendered as an anesthesiologist, a pathologist or a radiologist in a hospital that is a contracted provider. Requests notification be sent to the insured/patient that instructs the insured to forward the payment to a non-contracted provider for other medical services rendered. **Chamber Position: OPPOSE IN PART**

Reason: The bill, as amended, attempts to address the recommendations of the Mandated Benefits Task Force by allowing assignment of benefits in emergency situations and requiring notification that the insured must send the payment to a non-contracted provider in other situations. The rationale was that assignment of benefits made sense in cases in which the patient had no control over the choice of using a non-contracted provider. However, the language does not prohibit balance billing (aka seeking payment for the difference between reimbursement rates and the costs for services rendered), which the task force also recommended. If the bill is amended to include a prohibition on balance billing in those emergency situations and a commitment to no further expansion of assignment of benefits, the Chamber would support the bill.

Contact: Mike Ripley (317) 264-6883

SB 221 Confined Animal Feeding (Gard)

Allows the Indiana Department of Environmental Management (IDEM) to review and act on disclosed good character information and makes changes associated with the definitions related to confined feeding operations. **Chamber Position: SUPPORT Reason:** The Chamber supports a high standard for all confined feeding operations. It is not unreasonable for the state to ask fair questions that would reveal a poor performance record of a potential operator that have resulted in endangering human health and the environment. However, these declarations should not be used to reject an application but serve as information to assist IDEM. This should be used to screen new entities that have never filed for a CAFO permit. Consideration should be given to having the IDEM and the CAFO industry report to the Environmental Quality Service Council on the nature of the questions and the success in identifying bad characters.

Contact: Vince Griffin (317) 264-6881

SB 263 Public School Compensation Payment Schedules (Kruse)

Allows a public school corporation, the school for the blind and visually impaired, the school for the deaf and the Soldiers' and Sailors' Childrens' home to enter into a 13-month compensation payment schedule for work performed during a normal nine or 10-month school year. **Chamber Position: SUPPORT Reason:** Indiana law requires employees to be compensated for their work within 10 days after the work was completed. By mutual agreement with their employees, many schools have spread their salaries over a 12-month period, even though most school employees work for only 10 months per year. This bill would absolve such arrangements – if agreed upon by both the employee and the employer – from substantial fines that can and have been levied for failing to meet the 10-day requirement.

Contact: Derek Redelman (317) 264-6880

SB 285 Property Tax Payments (Holdman)

Permits a county legislative body to authorize the transmission by electronic mail of property tax statements and related information. Charges the county treasurer and county auditor with the administration of the program. Requires the designation of a single electronic mail address for joint owners and entities other

than individuals. If the electronic mail is not received, requires the county treasurer to mail a hard copy of the statement. Directs the Department of Local Government Finance to create a form for taxpayers to authorize the transmission by electronic mail. Allows for automatic deductions of payments for property taxes and special assessments from any account held by a financial institution, not just from a checking account. Requires a county to distribute to political subdivisions in the county at the normal semiannual distribution date revenue from monthly installment property tax collections. The House made numerous amendments adding many provisions not directly related to the Senate version of the bill. **Chamber Position: SUPPORT IN PART Reason:** The Chamber supports the provisions of the Senate version of the bill which simply encourage modernization of the property tax payment process and would prove beneficial to both taxpayers and tax collection officials.

Contact: Bill Waltz (317) 264-6887

SB 300 Net Metering/Renewable Energy (Merritt/Moses)

Requires the Indiana Utility Regulatory Commission (IURC) to adopt emergency rules amending the IURC's net metering and interconnection rules for electric utilities. Provides that the amended rules must: (1) make net metering available to certain specified customer classes; (2) allow a net metering customer to interconnect a generating facility with a nameplate capacity of one megawatt or less to the distribution facility of an electric utility; and (3) allow a net metering customer to interconnect a generating facility that makes use of certain specified technologies. Provides that the existing rules are void to the extent they do not comply with the requirements for the amended rules. Provides that the amended rules do not apply to rural electric membership corporations or municipal utilities. ... **Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason:** With dwindling electric power reserves and many energy challenges, the Chamber supports efforts that promote the production of energy and energy efficiencies while not jeopardizing our current generation of adequate, reliable and affordable power. The Chamber supports incentives that promote renewable energy but not the mandated purchase of power that is unreliable or costly. The Chamber supports measures that positively affect our declining electric power reserves while not adversely impacting the cost of electricity. Indiana is currently building the largest wind turbine development east of the Mississippi that may reach nearly 2,000 megawatts – all without mandates. Net metering would promote the generation of additional power but could also impair the efficient operation of the power grid or adversely impact our adequate, reliable and affordable supply of electricity.

Contact: Vince Griffin (317) 264-6881

SB 420 Renewable Energy (Hershman/Grubb)

Requires the Indiana Utility Regulatory Commission (IURC) to consider in the rate base of a public utility that complies with certain renewable energy standards (RES) one-half of any capital expenditures made by the public utility to extend gas or electric service to a customer that produces biofuels.

Requires the IURC to provide certain financial incentives for implementing electric line facilities projects to electricity suppliers that comply with a certain RES. Requires electricity suppliers to comply with an RES by specified dates. Provides that an electricity supplier that does not comply with a higher RES is not eligible for certain financial incentives related to renewable energy development. Makes technical changes.

Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason: See SB 300.

Contact: Vince Griffin (317) 264-6881

SB 440 Indoor Air Quality (Gard/Landske)

Requires the state Department of Health (SDOH) to adopt rules concerning indoor air quality in schools and state agencies. Provides that after the SDOH inspects a school or state agency for indoor air quality as the result of a complaint, the SDOH must report certain information. Provides that such a complaint must be in writing, may be made by electronic mail and may be anonymous. Allows the SDOH to release the name of a complainant only if the complainant has authorized the release in writing. Requires the SDOH to post minutes of each meeting of the air quality panel on the SDOH web site not later than 45 days after the meeting. Requires the SDOH to: (1) develop and distribute a manual of best practices for managing indoor air quality at schools after seeking input and advice from the air quality panel and reviewing materials developed by other states and federal health and environmental agencies; and (2) review and revise the manual at least once every three years. Provides that, after June 30, 2009, if the SDOH amends the rules concerning health and safety requirements for school buildings and school sites, the SDOH must consider the effects of outdoor air quality when establishing criteria for school siting.

Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason: See HB 1097 for "support" rationale.

Chamber is opposed to SB 440's directive to the SDOH to consider effects of "outdoor air quality" as that is not within the SDOH area of responsibility.

Contact: Vince Griffin (317) 264-6881

SB 448 Various Tax Matters (Charbonneau)

Reallocates a portion of the slot machine revenues distributed for thoroughbred purposes by decreasing money primarily used for purses and increasing money for the breed development fund. Provides that enterprise information technology (IT) equipment purchased after June 30, 2009, by an eligible business is exempt from personal property taxation for a period agreed to by a designating body (a county council or municipal fiscal body). ... **Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason:** The Chamber supports exempting equipment used in a business enterprise from the personal property tax. This legislation will provide a well-defined exemption for information technology equipment that will make Indiana more competitive in the pursuit of high-tech, high-wage data centers, adding to our economic activity and, ultimately, tax base. Unfortunately, the bill has also become loaded down with miscellaneous other provisions for which the Chamber is either neutral or does not support. In particular, the Chamber opposes the provisions that grant pending petitions before the Distressed Unit Appeals Board,

plus those that dictate impractically short periods for determining an appeal.

Contact: Cam Carter (317) 264-6892

SB 461 Environmental Issues (Gard)

Repeals the electronic digital signature act. Allows the use in motor vehicle air conditioning equipment of a toxic or flammable refrigerant if the refrigerant has been approved by the United States Environmental Protection Agency. Allows, in streamlined rulemaking processes, the adoption of a proposed rule with amendments at the public hearing, and requires that the amendments meet logical outgrowth requirements. ... **Chamber Position: SUPPORT IN**

PART/OPPOSE IN PART Reason: The Chamber supports the elimination of and/or cleaning up of issues that impair the Indiana Department of Environmental Management from efficiently performing its assigned tasks. The Chamber does not support the state's legislative branch interfering with the management of the executive branch as it relates to local air agencies. The Chamber is also opposed to controlling odor and sound within four miles of a city's boundaries.

Contact: Vince Griffin (317) 264-6881

SB 469 Limited Liability for Certain Asbestos Claims (Boots)

Limits civil liability arising from asbestos claims for certain corporations. The bill was amended in the House to include language contained in HB 1167 (Actions Based Upon Exposure to Hazardous Substances). **Chamber Position: SUPPORT IN PART/OPPOSE IN PART Reason:** On the plus side, the bill limits liability from asbestos claims for innocent successor entities. However, it would effectively repeal Indiana's statutes of repose and limitation concerning asbestos-related injuries.

Contact: George Raymond (317) 264-6884

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Legislative Agenda

Indiana Chamber
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Quick Reference: Position by Bill Number and Title

House Bills

HB 1001 Budget Bill.....*SUPPORT IN PART*
HB 1001 Budget Bill – Education Funding.....*SUPPORT IN PART*
HB 1014 Age Discrimination.....*SUPPORT*
HB 1033 Renewable Energy.....*SUPPORT*
HB 1036 Lifelong Learning Account Pilot Program/Scholarship Tax Credit.....*SUPPORT IN PART*
HB 1097 Indoor Air Quality.....*SUPPORT*
HB 1162 Environmental Issues.....*SUPPORT*
HB 1167 Actions Based Upon Exposure to Hazardous Substances.....*SUPPORT*
HB 1224 Water Resources Task Force.....*SUPPORT*
HB 1278 Water and Utilities.....*SUPPORT*
HB 1300 Health Plan Requirements and Study.....*SUPPORT IN PART*
HB 1311 Hearing Aid Assistance Study.....*SUPPORT*
HB 1343 School Dropout Prevention.....*SUPPORT*
HB 1345 21st Century Research and Technology Fund.....*OPPOSE*
HB 1348 International Energy Conservation Code.....*SUPPORT*
HB 1379 Improper Classification of Employees/Unemployment Insurance Trust Fund.....*SUPPORT IN PART/OPPOSE IN PART*
HB 1447 Taxation.....*SUPPORT IN PART/OPPOSE IN PART*
HB 1589 Electronic Waste.....*SUPPORT*
HB 1669 Geothermal Conversion Loans.....*SUPPORT*
HB 1697 Office of Small Business Advancement.....*OPPOSE IN PART*

Senate Bills

SB 14 Accessibility of Satellite Voting Locations.....*SUPPORT*
SB 142 Commercial Vehicle Policies.....*OPPOSE*
SB 218 Anatomic Pathology Services/Anatomical Education.....*OPPOSE IN PART*
SB 221 Confined Animal Feeding.....*SUPPORT*
SB 263 Public School Compensation Payment Schedules.....*SUPPORT*
SB 285 Property Tax Payments.....*SUPPORT IN PART*
SB 300 Net Metering/Renewable Energy.....*SUPPORT IN PART/OPPOSE IN PART*
SB 420 Renewable Energy.....*SUPPORT IN PART/OPPOSE IN PART*
SB 440 Indoor Air Quality.....*SUPPORT IN PART/OPPOSE IN PART*
SB 448 Personal Property Tax Exemption for IT Equipment.....*SUPPORT IN PART/OPPOSE IN PART*
SB 461 Environmental Issues.....*SUPPORT IN PART/OPPOSE IN PART*
SB 469 Limited Liability for Certain Asbestos Claims.....*SUPPORT IN PART/OPPOSE IN PART*