

## 2011 Senate Votes

### Bills Used for Vote Analysis

#### SJR 10 (Third Reading)

##### Right to Secret Ballot in Union Elections

**Authored by Sen. Banks.** Provided the right to vote by secret ballot in union organizing elections. **Chamber Position: Support.** The right to vote by secret ballot is one of our country's most fundamental rights and should be preserved for all elections. Employees shouldn't face intimidation or coercion in voting for union organizing. **Died**

#### SB 1 (Second Reading Amendment #1)

##### Weakening Teacher Performance Measures; Charter School Restrictions

**Authored by Sen. Skinner.** Would have eliminated licensing flexibility for charter school teachers and deleted ban on salary increases for poorly performing teachers. **Chamber Position: Oppose.** Charter schools have demonstrated the value of using alternatively and/or unlicensed teachers, a practice that ought to be explored by more schools not stifled. Additionally, allowing pay increases for poorly performing teachers would continue the ineffective practice of treating all teachers the same rather than paying them based on their performance. **Amendment Failed**

#### SB 1 (Second Reading Amendment #4)

##### Limiting Teacher Performance-Based Evaluations and Pay

**Authored by Sen. Skinner.** Would have limited teacher performance-based pay to new teachers only. **Chamber Position: Oppose.** Would have perpetuated the current ineffective systems for the vast majority of teachers. **Amendment Failed**

#### SB 1 (Concurrence)

##### Teacher Performance-Based Evaluations and Pay

**Authored by Sen. Kruse.** Provides for performance-based pay for teachers. Restructures evaluation processes to include measures of student academic performance and creates teacher evaluation categories with consequences. Eliminates layoff procedures and salary schedules based entirely on seniority. **Chamber Position: Support.** Improves the evaluation process and accountability provisions for teachers. **Signed by Governor**

#### SB 23 (Third Reading)

##### Hoosier Commission for Communities for a Lifetime

**Authored by Sen. Simpson.** Created the Hoosier Commission for Communities for a Lifetime. **Chamber Position: Support.** This commission would examine important community and economic development issues that were brought up in the Indiana Chamber's recent Workforce Wise study. **Died**

#### SB 26 (Third Reading)

##### Local Government Reorganization and Merger

**Authored by Sen. Head.** Allows a political subdivision to retain a part of its levy and budget that would otherwise be reduced because of savings from a government reorganization or

township merger. **Chamber Position: Support.** Allows local units of government to defray one-time transition costs from a possible merger that would come from the projected savings from the current levy. It enhances the potential for other local government mergers. **Signed by Governor**

#### SB 32 (Third Reading)

##### Vote Center Option for All Counties

**Authored by Sen. Alting.** Establishes the use of vote centers as an option for all counties. **Chamber Position: Support.** Vote centers have been tested in several Indiana counties for several years with great success. They enhance convenience for voters and reduce the cost of elections. **Signed by Governor**

#### SB 47 (Third Reading)

##### Various Riverboat Matters

**Authored by Sen. Alting.** Permits a licensed owner to convert a riverboat into a permanently moored vessel without propulsion or navigation equipment. Removes obsolete provisions. Eliminates certain restrictions. **Chamber Position: Support.** There is no point in requiring these businesses to comply with expensive regulations related to excursion boats when they are permanently moored. The state has become dependent on revenues from these operations and they should not be unduly hampered. **Signed by Governor**

#### SB 54 (Third Reading)

##### Local Regulation of Video Service Franchises

**Authored by Sen. Holdman.** Provides that a local unit of government may not: (1) regulate a holder of a certificate to provide, or a provider of, video service in Indiana; and (2) establish or fund an entity to regulate a holder or provider. **Chamber Position: Support.** Will lead to further deregulation of telecommunications services in Indiana and eliminate needless local government bureaucracy. **Signed by Governor**

#### Vote Selection Criteria

The Indiana Chamber has well-established criteria for selecting votes to be included in the *Legislative Vote Analysis* (LVA). Bills included meet the following four criteria:

1. Votes on all subject matter used in LVA are based on and best reflect the Chamber's legislative policy as determined by the Chamber's board of directors and expressed in *Legislative Business Issues*, *Legislative Agenda* or other Chamber communications to legislators.
2. Each member of the Indiana General Assembly is informed of all bills the Chamber is following, including the Chamber's position on each, the reason for the position, and the name and contact information of the specific Chamber issue expert to contact for more information.
3. Each member of the Indiana General Assembly is informed of the Chamber's position on the issue and bill prior to the vote. This notification was provided in editions of the *Legislative Agenda* and other written bill analyses.
4. Only floor votes for which there is a public record are used.

### **SB 61 (Third Reading)**

#### **School Board Elections Moved to the Fall**

**Authored by Sen. C. Lawson.** Provides that school board members selected by election must be elected at general elections beginning in 2012. Repeals provisions related to the election of school board members at the primary election.

**Chamber Position: Support.** School boards play critical roles in setting local tax rates and in their oversight of local public schools. Yet, most school board members are elected during primary elections in the spring when voter turnout is typically at its lowest. Moving all school board elections to the fall as part of general elections will help increase voter participation and involvement of the public in the oversight of local public schools. Amended into HB 1074 and **Signed by Governor**

### **SB 63 (Third Reading)**

#### **Suspension of Local Office Holders**

**Authored by Sen. Gard.** Allowed a local elected officeholder to be suspended from office if charged with certain felonies or misdemeanors. Required a two-thirds majority of the legislative body to find that the offense is relevant to the official's suitability for office and that it is in the best interests of the unit that the official be suspended from office. **Chamber Position: Support.** This is a smart good government initiative to not allow a person to serve in a public office if they are charged with certain felonies. **Died**

### **SB 66 (Concurrence)**

#### **Expansion of Renewable Energy Resources**

**Authored by Sen. Gard.** Creates additional renewable energy resources in statute to provide financial incentives for clean coal and energy projects. **Chamber Position: Support.** The Chamber supports a cost-effective fuel mix including clean coal technologies, natural gas, domestic petroleum, nuclear and renewables. An expansion of renewables that allows flexibility and diversity helps promote the state's renewable portfolio. **Signed by Governor**

### **SB 71 (Concurrence)**

#### **Coal Bed Methane and Other Oil and Gas Issues**

**Authored by Sen. Gard.** Creates numerous conditions that affect the mining of coal bed methane. **Chamber Position: Support.** The Chamber supports the use of coal bed methane as a viable source of energy so long as its extraction is done in a safe and environmentally responsible manner. **Signed by Governor**

### **SB 72 (Third Reading)**

#### **Carbon Dioxide Pipelines and Eminent Domain**

**Authored by Sen. Gard.** Would have established procedures for the issuance by the Department of Natural Resources of a carbon dioxide transmission pipeline certificate of authority that allows construction, operation and maintenance of a pipeline and the use of eminent domain for those purposes. **Chamber Position: Support.** The regulation and control of carbon dioxide may become a major issue as our state consumes over 70 million tons of coal a year in the production of energy. The delineation of respective duties and responsibilities

prior to need is prudent. Any eminent domain action related to a carbon dioxide pipeline should follow existing procedures to provide all parties adequate protection. **Died**

### **SB 78 (Conference Committee Report)**

#### **Identification Requirements for Alcohol Purchases**

**Authored by Sen. Merritt.** Makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly or intentionally sell, barter, exchange, provide or furnish another person who is or reasonably appears to be less than 40 years of age an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce specified identification showing that the person is at least 21 years of age. **Chamber Position: Support.** The Indiana Chamber supports repeal of Indiana's onerous law requiring persons and businesses selling alcoholic beverages to seek identification/proof of age from all purchasers. Employee training, use of common sense and good faith efforts to seek identification from purchasers who may be under the legal age of 21 are sufficient. The current (and recently enacted) law has proven unworkable and unpopular. **Signed by Governor**

### **SB 86 (Concurrence)**

#### **Unemployment Benefits Qualifications and Controlled Substances**

**Authored by Sen. Leising.** An applicant for employment that fails or refuses to take a drug test as a condition of employment is deemed to have refused suitable work and is denied unemployment benefits. **Chamber Position: Support.** Persons abusing drugs should not be permitted to collect unemployment benefits. **Signed by Governor**

### **SB 87 (Third Reading)**

#### **Contracts for Dental Services**

**Authored by Sen. Leising.** Prohibited dental insurers and health maintenance organizations from requiring dentists to accept certain payments. **Chamber Position: Oppose.** Insurers setting reimbursement rates on non-covered dental services save money for the individual on their out-of-pocket expenses. Some employers request this cost saving as a benefit for employees. **Died**

### **SB 97 (Third Reading)**

#### **Funding of Lawsuits**

**Authored by Sen. Head.** Would have established a procedure by which a company could provide a loan to the plaintiff in an action in exchange for the contingent right to receive a part of the potential proceeds of the action. **Chamber Position: Oppose.** Would only add to our courts' backlog of cases by encouraging people with doubtful claims to file a lawsuit. Also, a plaintiff who has received an upfront payment may be more reluctant to settle a case on a reasonable basis. Finally, a plaintiff, in addition to paying an attorney on a contingent fee basis, would see more of his award go to the funding company. **Died**

### **SB 159 (Concurrence)**

#### **Streamlined Environmental Rulemaking**

**Authored by Sen. Gard.** Provides that, if the state adopts a federal rule that later should be invalidated the state has an expedited process to remove the invalidated state rule. **Chamber Position: Support.** The Chamber supports the repeal of any rule for which the federal directive no longer exists. Such a rule should not be enforced and the state should repeal the rule as soon as possible. **Signed by Governor**

### **SB 166 (Third Reading)**

#### **Officeholder Qualifications**

**Authored by Sen. C. Lawson.** Would have prohibited nepotism and conflict of interest for a county, city or town officeholder/candidate. **Chamber Position: Support.** We need to eliminate the conflict of interest regarding an employee of a unit of local government also serving on its legislative or fiscal body. All officeholders – whether they are located in a rural county or not – should be held accountable to ethical conflict of interest and nepotism codes. **Died**

### **SB 196 (Third Reading)**

#### **Head Start Employment and Unemployment Benefits**

**Authored by Sen. Boots.** Provided that unemployment benefits would not be paid to an individual employed by a Head Start or an Early Head Start program for a week during a period between two successive academic years or terms if the individual performs the employment in the first academic year or term and there is a reasonable assurance that the individual will be employed in the second academic year or term. **Chamber Position: Support.** The original intent of the unemployment system was to provide a safety net for people who had lost their job through no fault of their own and who did not have a reasonable expectation of employment. It was not the intent of the system to pay people who may be unemployed for a short period of time but who have a reasonable expectation of employment. **Died**

### **SB 200 (Concurrence)**

#### **IDEM Administrative Issuance of Water Permits**

**Authored by Sen. Gard.** Transfers the power to issue water permits from the Water Pollution Control Board to the Indiana Department of Environmental Management (IDEM). Also contains provisions related to coal mine general permits. **Chamber Position: Support.** This will satisfy a concern of the Environmental Protection Agency to not have the Water Board issue permits but to move that responsibility to IDEM. The Chamber supports the timely and fair issuance of permits. **Signed by Governor**

### **SB 202 (Third Reading)**

#### **Environmental Approvals and Other Issues**

**Authored by Sen. Gard.** Created procedures for the construction and handling of manure facilities, energy production facilities and requires the state chemist to adopt rules concerning the staging and use of organic fertilizer material. Established provisions for fertilizer materials. **Chamber Position: Support.** The use of byproduct material from agricultural operations may have beneficial application so long as it is handled and applied in a manner that protects the public health and

environment. The Chamber supports the production of energy realized by the processing of agricultural products. Additionally, the proper handling of fertilizer products that do not violate water quality standards is supported. **Died**

### **SB 222 (Third Reading)**

#### **Transportation and Logistics Income Tax Credit**

**Authored by Sen. Wyss.** Provided a Hoosier business investment tax credit for implementing Homeland Security measures to comply with federal Homeland Security requirements. Limited the Hoosier business investment tax credit to \$10,000,000 per year for all taxpayers. **Chamber Position: Support.** Would have provided an incentive and assistance to Indiana businesses facing compliance issues with federal homeland security program mandates. **Died**

### **SB 260 (Third Reading)**

#### **Clean Energy Improvement Financing District**

**Authored by Sen. Merritt.** Allows a political subdivision to establish a clean energy improvement financing district for the purpose of issuing bonds to fund clean energy improvements for voluntary participants in the program. **Chamber Position: Support.** Energy conservation is one of the elements of the Chamber's energy policy as a method to decrease our energy demand and promote cost savings for Indiana businesses and industries. **Died**

### **SB 292 (Conference Committee Report)**

#### **Guns in Public Buildings**

**Authored by Sen. Tomes.** Prohibits units of local government from maintaining policies prohibiting guns from being brought into public buildings. **Chamber Position: Oppose.** To protect public safety, a unit of government should have the power to prohibit guns from being brought into public buildings. **Signed by Governor**

### **SB 294 (Third Reading)**

#### **Probationary Teacher Contracts**

**Authored by Sen. Holdman.** Would have allowed new teachers to be hired on 60-day probationary periods. **Chamber Position: Support.** Would have established a hiring safeguard that is typical of most other employment settings. **Died**

### **SB 302 (Third Reading)**

#### **Officeholder Qualifications**

**Authored by Sen. C. Lawson.** Prohibited nepotism and conflict of interest for a county, city or town officeholder/candidate. **Chamber Position: Support.** Would have eliminated the conflict of interest regarding an employee of a unit of local government also serving on its legislative or fiscal body. All officeholders – whether they are located in a rural county or not – should be held accountable to ethical conflict of interest and nepotism codes. **Died**

### **SB 303 (Third Reading)**

#### **Option for Single County Executive**

**Authored by Sen. C. Lawson.** Would have created the option for a single county executive with a county commissioner vote. **Chamber Position: Support.** Allowed for the possibility

for the three county executives to unanimously vote for a voter referendum to go to a single county executive and to transfer the legislative powers of the county executives to the county council. The Chamber supports the concept of this option but believes that it should not have to be a unanimous vote of the commissioners to initiate the voter referendum. **Died**

#### **SB 346 (Concurrence)**

##### **Statute of Limitations in Underground Storage Tank Cleanup**

**Authored by Sen. Gard.** Establishes a clear starting point for the statute of limitations in cases where a cleanup from underground storage tanks is needed. **Chamber Position: Support.** As the court system has no clear and consistent point at which the statute of limitations begins, the efficient cleanup of contaminated properties is impaired. This identifies a consistent date from which the party cleaning up a site may go back (10 years) to recover costs from responsible parties. **Signed by Governor**

#### **SB 381 (Conference Committee Report)**

##### **Tax Representatives**

**Authored by Sen. Charbonneau.** Provides that certain local officials of a county or their employees may not serve as a tax representative for any taxpayer with respect to property subject to property taxes in the same county before the county property tax assessment board of appeals of that county or the Indiana Board of Tax Review. **Chamber Position: Support.** This bill reduces the potential for conflicts of interest and appearance of improprieties associated with contractual relationships between tax representatives and county officials involved in property tax appeals. **Signed by Governor**

#### **SB 386 (Third Reading)**

##### **Local Government Modernization**

**Authored by Sen. Waltz.** Required additional financial impact information and changes voting blocks for local government modernization efforts. **Chamber Position: Support.** The fiscal impact information verified by the Department of Local Government Finance on a potential merger makes sense. **Died**

#### **SB 405 (Second Reading Amendment #4)**

##### **Weakening Township Government Reform Measure**

**Authored by Sen. R. Young.** Would have removed the most significant parts of the bill that addressed township government reform, including retaining the township advisory boards and allowing nepotism for township employees. **Chamber Position: Oppose.** This amendment watered down the bill too much and would have left only very minor reforms. **Amendment Failed**

#### **SB 405 (Third Reading)**

##### **Township Government Reform**

**Authored by Sen. C. Lawson.** Transferred fiscal responsibility for township government to the county council and eliminated township boards. Added in other township reform measures. **Chamber Position: Support.** Would have eliminated township advisory boards and transferred their duties to the county councils, eliminated nepotism, required townships to

post phone number/address in a phone directory and adopt countywide poor relief standards. **Died**

#### **SB 411 (Third Reading)**

##### **Disclosure of Guns in the Workplace**

**Authored by Sen. Nugent.** Prohibits employers from obtaining information as to whether employees are bringing guns to work. **Chamber Position: Oppose.** An employer has the right to know whether someone has brought a firearm onto the employer's property. Current law already provides a remedy for an employee who believes that he has been discriminated against because he brought a firearm onto the employer's property pursuant to IC 34-28-7. **Signed by Governor**

#### **SB 433 (Concurrence)**

##### **Clarification of IDEM Duties and Authority**

**Authored by Sen. Gard.** Addresses multiple issues related to Indiana Department of Environmental Management (IDEM) activities to create efficiencies, clarification and makes technical corrections. **Chamber Position: Support.** Clarifies and creates efficiencies that will allow IDEM to perform more effectively. **Signed by Governor**

#### **SB 441 (Third Reading)**

##### **Public Works Project Contracts**

**Authored by Sen. Hershman.** Would have increased the cost threshold of projects that the Department of Natural Resources could have performed without awarding a public works contract from \$75,000 to \$150,000. Increased the cost of projects that some political subdivisions could perform without awarding a public works contract from \$100,000 to \$500,000. **Chamber Position: Support.** Although the Chamber supported this bill, the common construction wage law is an archaic relic from the Depression era and should be repealed. **Died**

#### **SB 446 (Third Reading)**

##### **Use of Public School Property by Charter Schools**

**Authored by Sen. Schneider.** Establishes the process for leasing unused, closed or unoccupied public school buildings to charter schools. **Chamber Position: Support.** Taxpayers have already invested in these facilities with the expectation that they will be used for public educational purposes. School districts should not hold these unused facilities, often times with ongoing costs for maintenance and upkeep, when another public school institution is willing to use that facility for the purpose for which it was built and supported through taxpayer funds. Amended into HB 1002 and **Signed by Governor**

#### **SB 459 (Third Reading)**

##### **Streamlined Sales and Use Tax Conformity for Internet Sales**

**Authored by Sen. Kenley.** Brings the state into compliance with the Streamlined Sale and Use Tax Agreement and promotes effort to collect Internet sales tax. **Chamber Position: Support.** The Chamber supports conformance with the streamlined sales tax effort. Indiana's agreement to participate in this national program promotes sales tax law

uniformity and the voluntary collection of taxes by Internet retailers. **Signed by Governor**

### **SB 461 (Conference Committee Report) Health Care Reform Matters**

**Authored by Sen. Miller.** Makes changes to Medicaid and insurance statutes to comply with the federal Patient Protection and Affordable Care Act (PPACA). **Chamber Position: Support.** This bill makes changes to existing law regarding Medicaid and insurance provisions in order to conform to the federal PPACA. **Signed by Governor**

### **SB 473 (Conference Committee Report) Public-Private Partnership (P3) Authorization**

**Authored by Sen. Wyss.** Among other provisions, authorizes the governor to enter into public-private partnerships (P3s) for the purpose of building new or expanded roads and transportation infrastructure. Requires State Budget Committee review of any P3 agreements that include tolls while prohibiting tolls on I-69 and existing roadways without explicit authorization from the General Assembly. **Chamber Position: Support.** The Chamber supports expanded P3 authority to bring much-needed private sector investment to the state's remaining infrastructure needs while spurring economic growth and job creation. **Signed by Governor**

### **SB 480 (Third Reading) Telecommunication Data and Deregulation**

**Authored by Sen. Hershman.** Authorizes the Indiana Utility Regulatory Commission (IURC) to delegate authority to its staff to carry out certain duties and limits the information that communications service providers have to include in applications for certificates of territorial authority. Grants jurisdiction to resolve certain matters concerning video service franchises to the IURC rather than a court with jurisdiction. **Chamber Position: Support.** Furthers telecom reform and safeguards proprietary competitive information in a reasonable way, while promoting further investments in the state's telecommunications infrastructure. **Signed by Governor**

### **SB 482 (Third Reading) Adult Education**

**Authored by Sen. Kruse.** Better aligns the Department of Education, State Board of Education, Department of Workforce Development and State Workforce Innovation Council to provide greater effectiveness in delivering adult education opportunities. **Chamber Position: Support.** Nearly one million Hoosier adults lack the basic skills that are needed for success in today's economy. This bill realigns the state's training programs to serve those adults more effectively. Many changes are consistent with the recommendations of a Chamber policy report and a 2009 bipartisan study committee. Amended into HB 1340 and **Signed by Governor**

### **SB 496 (Second Reading Amendment #1) Weakening Parental Petitions for School Reorganization Reforms**

**Authored by Sen. Skinner.** Would have subjected school accountability to a vote of parents in the school and would

have excluded special education and English language learners from school accountability. **Chamber Position: Oppose.** Parent vote on accountability was intended to further delay or even completely undermine an accountability process that is already far too long (at least six consecutive years of failure). Exclusion of students would have resulted in those students being ignored and overlooked the focus on growth rather than static performance. **Amendment Failed**

### **SB 496 (Third Reading) Parental Petitions for School Reorganization**

**Authored by Sen. Kruse.** Would have empowered parents of students in chronically failing schools to petition to reorganize the school. **Chamber Position: Support.** Indiana's accountability timeline allows schools to fail for at least six consecutive years before state officials can intervene. This policy would provide the parents of those schools several options for intervening sooner than the state timeline and to initiate school reform efforts on behalf of their children. **Died**

### **SB 497 (Third Reading) Early High School Graduation, Higher Education Scholarship**

**Authored by Sen. Kruse.** Allows a high school senior to graduate after three years of high school and to use part of their state tuition support to begin college. **Chamber Position: Support.** The vast majority of Hoosier jobs now and in the future will require post-secondary education. This proposal would assist and incentivize students who are ready for college-level work to begin those pursuits. Amended into HB 1001 and **Signed by Governor**

### **SB 524 (Third Reading) Public Pensions Defined Contribution Plan**

**Authored by Sen. Walker.** Establishes a defined contribution plan as an option for new state employees who elect not to become a member of the public employees' retirement fund (PERF). Urges the Legislative Council to assign to the Pension Management Oversight Commission the study of whether to create a defined contribution plan as an option for new employees participating in PERF or teachers' retirement fund (TRF). **Chamber Position: Support.** Alternatives for new employees to elect a defined contribution plan rather than the current PERF and TRF programs offer the potential for savings and should be considered and implemented to the extent deemed practical. **Signed by Governor**

### **SB 526 (Conference Committee Report) Marion County Government Reforms**

**Authored by Sen. Merritt.** Would have eliminated advisory boards and transferred township budget oversight to the City-County Council in Marion County only. Would have unified Marion County poor relief standards and made other changes to follow along the lines of UniGov. **Chamber Position: Support.** Would have made progress in consolidating township functions in Marion County. **Died**

### **SB 550 (Third Reading)**

#### **Redevelopment Commissions and Authorities**

**Authored by Sen. Boots.** Provided that the legislative body of a local government unit must approve the budget, the tax levy, spending, bond and debt financing, a lease pertaining to bonds or debt financing, payment of capitalized interest, selling of property, as well as allocation of excess tax revenue of the unit's redevelopment commission and redevelopment authority. Required the fiscal officers of the local government unit and the redevelopment commission or redevelopment authority to be the same. **Chamber Position: Support.** Gives additional oversight on major transactions for redevelopment commission and redevelopment authority. **Died**

### **SB 559 (Concurrence)**

#### **Conflict of Interest**

**Authored by Sen. Bray.** Specifies certain definitions and defenses that apply to the crime of conflict of interest. **Chamber Position: Support.** Clarifies the intent in the law and establishes reasonable and important conflict of interest language for public servants to abide by. **Signed by Governor**

### **SB 561 (Third Reading)**

#### **Corrections and Sentencing**

**Authored by Sen. Steele.** Required the Department of Correction to: (1) determine the average daily marginal cost of incarcerating an offender; (2) determine the average length of stay for a Class D felony offender in the department; and (3) administer an incentive and disincentive program for counties to reduce the number of Class D felony offenders committed to the department. Provided other changes to probation sentencing administration. **Chamber Position: Support.** Encompasses the reform measures that better balance punishment with the crime and available resources, as recommended by a bipartisan commission. **Died**

### **SB 575 (Concurrence)**

#### **Limits on Teacher Union Collective Bargaining**

**Authored by Sen. Boots.** Limits teacher union collective bargaining agreements to wages and benefits. **Chamber Position: Support.** Scales back a range of union practices that prevent schools from operating effectively and efficiently. **Signed by Governor**

### **SB 576 (Conference Committee Report)**

#### **Worker's Compensation Administration**

**Authored by Sen. Boots.** Requires all members of the Worker's Compensation Board be attorneys in good standing admitted to practice law in Indiana. Requires a health care provider to file a claim for payment with the board not later than one year after the last date the provider provided services to an injured employee. Requires the board to establish a schedule of fees and charges for the resolution of health care provider claims. Makes numerous other changes. **Chamber Position: Support.** Most of the changes would enable the board to operate in a more efficient manner. The time limits for filing claims will hopefully lead to quicker resolution of claims. **Signed by Governor**

### **SB 584 (Third Reading)**

#### **Local Indiana Business Preference**

**Authored by Sen. Paul.** Provided a price preference to local Indiana businesses bidding on purchasing and public works contracts awarded by political subdivisions. **Chamber Position: Support.** The Indiana Chamber supports reasonable efforts to have state government make purchases from Indiana-based vendors while providing value and good stewardship of tax dollars to Hoosier taxpayers. The preferences in this bill were well-structured and similar to those used by other jurisdictions. **Died**

### **SB 589 (Third Reading)**

#### **Corporate Income Tax Rate Reduction**

**Authored by Sen. Hershman.** Reduces the corporate income tax rate from 8.5% to 6.5%. **Chamber Position: Support.** This is an important effort to make Indiana even more competitive by bringing its corporate rate more in line with other states. Amended into HB 1004 and **Signed by Governor**

### **SB 590 (Third Reading)**

#### **Illegal Immigration Matters**

**Authored by Sen. Delph.** Makes state and local law enforcement responsible for determining the legal status of immigrants. Generally requires only English be used in public meetings and in public documents. Disallows certain income tax credits and deductions for employers hiring undocumented workers unless they used the E-Verify program. **Chamber Position: Oppose.** People coming into this country to work should do so legally. However, this attempt is simply not good public policy. An Arizona-style immigration law will not put Indiana in the best light and could have severe financial consequences for the state's economic development efforts – both with the relocation and expansion of businesses. **Signed by Governor**

### **HB 1001 (Second Reading Amendment #59)**

#### **Expansion of Teacher Union Collective Bargaining**

**Authored by Sen. Tallian.** Would have allowed collective bargaining for teachers to be extended to subjects beyond wages and wage-related benefits. **Chamber Position: Oppose.** Would have reversed the core components of HB 575. **Amendment Failed**

### **HB 1001 (Second Reading Amendment #65)**

#### **Expansion of Teacher Union Collective Bargaining**

**Authored by Sen. Tallian** Would have subjected hours of school operation to collective bargaining. **Chamber Position: Oppose.** The past inclusion of hours in collective bargaining has been used as a detrimental tool for keeping school leaders from managing their schools effectively and efficiently. **Amendment Failed**

### **HB 1001 (Conference Committee Report)**

#### **State Budget**

**Sponsored by Sen. Kenley.** Establishes the state appropriations and expenditure authorizations for the next two years (2012-13 biennium). **Chamber Position: Support.** The Chamber supports the fiscal prudence evidenced by this budget that

essentially flatlines most appropriations to match fiscal year 2011 spending and makes additional reductions where feasible. This budget demonstrates a commitment to eliminating the structural deficit without increasing taxes. **Signed by Governor**

#### **HB 1002 (Second Reading Amendment #3)**

##### **Charter School Authorizer Restrictions**

**Authored by Sen. Lanane.** Would have eliminated private colleges as potential authorizers. **Chamber Position: Oppose.** Multiple authorizers assure greater opportunities for the formation of new charter schools. **Amendment Failed**

#### **HB 1002 (Second Reading Amendment #4)**

##### **Virtual Charter School Enrollment Limitations**

**Authored by Sen. Lanane.** Would have limited virtual charter school enrollment to just 1,000 students statewide. **Chamber Position: Oppose.** Parent options should not be limited to artificial caps that in no way reflect the demands of parents or the capacity to serve students. **Amendment Failed**

#### **HB 1002 (Third Reading)**

##### **Charter Schools Expansion**

**Sponsored by Sen. Kruse.** Expands the number of authorizers of charter schools, removes limits imposed on current authorizers, expands funding for virtual charter schools and creates accountability mechanisms for authorizers. **Chamber Position: Support.** Will strengthen Indiana's charter school law and help create more options for parents. **Signed by Governor**

#### **HB 1003 (Third Reading)**

##### **School Choice Scholarships**

**Sponsored by Sen. Kruse.** Provides scholarships to low- and middle-income students to help pay the cost of tuition and fees at a public or private school of their choice that charges tuition. **Chamber Position: Support.** Creates more options for parents to select the schools that best fit the unique needs of their individual children. **Signed by Governor**

#### **HB 1004 (Conference Committee Report)**

##### **Corporate Income Tax Rate Reduction**

**Sponsored by Sen. Hershman.** Makes a wide variety and large volume of changes, both substantive and procedural, affecting state and local tax matters. Included was the reduction of the corporate income tax rate from 8.5% to 6.5% over four years. (The bill incorporated the provisions of many other tax-related bills that had been considered throughout the session.) **Chamber Position: Support.** Will make Indiana even more competitive by bringing its corporate rate more in line with other states, serving to promote capital investment and economic development. **Signed by Governor**

#### **HB 1005 (Conference Committee Report)**

##### **Expansion of the Industrial Recovery Tax Credit**

**Sponsored by Sen. Charbonneau.** Expands the applicability of the industrial recovery income tax credit. **Chamber Position: Support.** Will increase the number of property redevelopments. Restoring unused and underutilized

industrial sites – regardless of the period of vacancy, degree of vacancy or size of facility – serves to expand the tax rolls and promotes economic growth in the community. **Signed by Governor**

#### **HB 1006 (Third Reading)**

##### **Streamlined Regulatory Filings and Entrepreneurship**

**Sponsored by Sen. Hershman.** Requires various state agencies to coordinate in the promotion of entrepreneurship, including a new state web site that serves as a one-stop shop to obtain and file all necessary registration, permits and licenses for a new start-up business. Requires inter-agency coordination on economic development and entrepreneurship education. **Chamber Position: Support.** Streamlines regulatory filing requirements for business start-ups and takes reasonable steps to promote entrepreneurship in the state. **Signed by Governor**

#### **HB 1007 (Conference Committee Report)**

##### **Economic Development Tax Incentives**

**Sponsored by Sen. Hershman.** Provides a number of new local incentives and economic development tools. **Chamber Position: Support.** This provides local units with several new tools to promote economic development. The taxation of personal property is a detriment to economic development and an impediment to capital investment. Providing local units with the option to provide enhanced and alternative abatement of property will improve their ability to entice new investment to their communities. **Signed by Governor**

#### **HB 1015 (Conference Committee Report)**

##### **Long-Term Care Insurance Commissions**

**Sponsored by Sen. Paul.** Addresses financial requirements that apply to limited purpose subsidiary life insurance companies. Specifies qualifications and educational requirements for solicitation negotiation, and sale of annuities. Makes changes to limitations on long-term care insurance commission amounts. **Chamber Position: Support.** Removal of the commission limitation could encourage more sales of long-term care products. Selling more long-term care policies means that fewer individuals would be relying on Medicaid. **Signed by Governor**

#### **HB 1022 (Third Reading)**

##### **Township Government Nepotism and Conflicts of Interest**

**Sponsored by Sen. C. Lawson.** Prohibited nepotism and conflict of interest for a county, city or town officeholder/candidate; notable exemptions. **Chamber Position: Support.** Would have reduced local government nepotism and potential conflict of interest with an employee of a unit of local government from serving on its legislative or fiscal body. **Died**

#### **HB 1024 (Third Reading)**

##### **Notice of Foreclosure to Insurers; Auto Insurance**

**Sponsored by Sen. Holdman.** Requires an insurer to provide a written notice of policy cancellation to the named insured at least 20 days before canceling a policy covering residential property if the insurer has received a copy of the complaint

filed in the foreclosure action concerning the insured property. Exempts commercial auto policies for non-owned coverage from requiring uninsured and under-insured motorist coverage. **Chamber Position: Support.** When businesses purchase a commercial policy and select hired non-owned auto coverage, they do not expect to be covering uninsured motorist/underinsured motorist coverage for employees' use of their own personal vehicles. **Signed by Governor**

#### **HB 1046 (Third Reading)**

##### **Property Tax Deduction for Builders of New, Unsold Residences**

**Sponsored by Sen. Hershman.** Provides a 50% property tax deduction to a residential builder for a single family residence, townhouse or condominium that has never been occupied as a principal residence. The deduction terminates when title to the structure is transferred to the homeowner. **Chamber Position: Support.** Recovery of the housing market is of great importance to the recovery of our overall economy. Residential builders were among those hardest hit. This bill helps this industry through these tough times by temporarily relieving them from paying taxes on their built but unsold inventory. **Signed by Governor**

#### **HB 1074 (Third Reading)**

##### **School Board Elections Moved to the Fall**

**Sponsored by C. Lawson.** Moves school board elections from the primary election to the general election. **Chamber Position: Support.** School boards play critical roles in setting local tax rates and in their oversight of local public schools. Yet, most school board members are elected during primary elections in the spring when voter turnout is typically at its lowest. Moving all school board elections to the fall as part of general elections will help increase voter participation and involvement of the public in the oversight of local public schools. **Signed by Governor**

#### **HB 1112 (Third Reading)**

##### **Allowing Land Application of Industrial Waste Products**

**Sponsored by Sen. Gard.** Permits the application of an industrial waste as a soil additive or fertilizer. **Chamber Position: Support.** The Chamber supports the use of byproducts in applications where it is economically prudent and does not present an unreasonable risk to public health or the environment. **Signed by Governor**

#### **HB 1128 (Conference Committee Report)**

##### **Expansion of Renewable Energy Resources**

**Sponsored by Sen. Gard.** Adds hydrogen and coal bed methane to the list of renewables. **Chamber Position: Support.** The Chamber supports alternative energy sources that provide additional sources of energy while not presenting an unreasonable risk to our environment. **Signed by Governor**

#### **HB 1129 (Conference Committee Report)**

##### **Prohibiting Text Messaging While Driving**

**Sponsored by Sen. Holdman.** A reasonable proposal to deter the dangerous activity of texting while driving. **Chamber Position: Support.** Texting while operating a motor vehicle is a dangerous activity. The penalties are reasonable, are limited

to texting only and do not interfere with intrastate or interstate commerce. **Signed by Governor**

#### **HB 1131 (Third Reading)**

##### **Study of Video Service Franchise Fees and Deregulation**

**Sponsored by Sen. Merritt.** Directs the Regulatory Flexibility Committee to study and report findings on the anti-competitive effects of legacy local government unit video service franchise fees on the provision of video service in Indiana, as well as the appropriateness of these fees. **Chamber Position: Support.** This study will lead to further deregulation of telecommunications services in Indiana and eliminate anti-competitive barriers. **Signed by Governor**

#### **HB 1183 (Third Reading)**

##### **Indiana Business Price Preferences in State Purchases**

**Sponsored by Sen. Charbonneau.** Provides an additional preference for purchases made by a state agency for supplies manufactured, assembled or produced by an Indiana business in Indiana. Provides a price preference for agriculture products grown or produced in Indiana. **Chamber Position: Support.** This bill is a reasonable effort to promote the procurement of Indiana-produced goods and services by Indiana government. **Signed by Governor**

#### **HB 1187 (Third Reading)**

##### **Satellite Manure Storage Facilities**

**Sponsored by Sen. Gard.** Regulates manure storage facilities over a certain size. **Chamber Position: Support.** Confined feeding facilities are an important part of the Indiana business community. The Chamber supports giving the state the authority to permit previously unregulated manure facilities that provide environmental protection and management. **Signed by Governor**

#### **HB 1200 (Third Reading)**

##### **Immunity for Brownfield Activities**

**Sponsored by Sen. Eckerty.** Allows a property owner of one acre or less to pave or plant vegetation without incurring any additional environmental liability. **Chamber Position: Support.** Promotes the cleanup of additional contaminated sites, which would return the sites to the tax rolls and employee Hoosiers. **Signed by Governor**

#### **HB 1203 (Third Reading)**

##### **Right to Secret Ballot in Union Elections**

**Sponsored by Sen. M. Young.** Provides the right to vote by secret ballot in union organizing elections. **Chamber Position: Support.** The right to vote by secret ballot is one of our country's most fundamental rights and should be preserved for all elections. Employees shouldn't face intimidation or coercion in voting for union organizing. **Signed by Governor**

#### **HB 1216 (Third Reading)**

##### **Common Construction Wage and Project Labor Agreements**

**Sponsored by Sen. Walker.** Increases threshold that triggers a common construction wage hearing on public construction projects. Authorizes study committee on prohibiting union-

only project labor agreements on public construction projects. **Chamber Position: Support.** Public construction projects should be open for competitive bidding, not subject to union-only labor agreements. The changes in the common construction wage statute for public projects will help produce taxpayer savings. **Signed by Governor**

### **HB 1221 (Third Reading)** **Life Insurance and Medicaid**

**Sponsored by Sen. Kenley.** Allows the state to use federal or state Medicaid funds to pay life insurance premiums and expenses for a Medicaid applicant or recipient who has irrevocably named the state as the beneficiary of a life insurance policy or assigned a life insurance policy to the state. **Chamber Position: Support.** The Chamber supports measures that could potentially reduce Medicaid expenditures. If the state is beneficiary of a life insurance policy, this could be an opportunity to recoup additional Medicaid expenditures. **Signed by Governor**

### **HB 1233 (Conference Committee Report)** **Insurance and Worker's Compensation Study Committee**

**Sponsored by Sen. Miller.** Creates the Insurance Interim Study Committee to examine insurance issues and worker's compensation. **Chamber Position: Support.** A standing interim insurance committee could study issues that have a financial impact on employers, as examples: worker's comp., billing under arrangement and health insurance network issues. **Signed by Governor**

### **HB 1251 (Third Reading)** **Young Entrepreneur Program**

**Sponsored by Sen. M. Young.** Requires the Indiana Economic Development Corporation to establish a young entrepreneurs program to promote the business proposals of students in entrepreneurial programs at state educational institutions. Provides that the program include an auction process for communities to bid for the opportunity to locate a young entrepreneur's start-up business in their community. **Chamber Position: Support.** This bill is an innovative proposal to spur economic growth and build Hoosiers' entrepreneurial skills while leveraging taxpayer investments in higher education. **Signed by Governor**

### **HB 1260 (Third Reading)** **School Corporation Health Insurance**

**Sponsored by Sen. Charbonneau.** Specifies certain requirements and recommendations for school corporation employee health coverage programs. Attempts to get public school health insurance plan costs more under control, including eventually switching coverage to the state plan. **Chamber Position: Support.** Creates limits on the "richness" of school health care plans – the cost of which are exploding annually. Potentially lessens financial costs to the state. **Signed by Governor**

### **HB 1267 (Third Reading)** **Drug Testing and Unemployment Benefits**

**Sponsored by Sen. Leising.** 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. **Chamber Position: Support.** Persons abusing drugs should not be permitted to collect unemployment benefits. Amended into SB 86 and **Signed by Governor**

### **HB 1275 (Third Reading)** **Using Economic Development Tax Funds for Other Purposes**

**Sponsored by Sen. C. Lawson.** Authorizes a county, city or town to transfer money from its economic development income tax fund or rainy day fund to its general fund or any fund or account of the county, city or town. **Chamber Position: Oppose.** There is no justification for making it easier to transfer monies that are collected under the guise of promoting economic development to be transferred to other funds for unrelated purposes. **Signed by Governor**

### **HB 1325 (Conference Committee Report)** **Identification Requirements for Alcohol Purchases**

**Sponsored by Sen. Merritt.** Alters the identification requirement to someone "who is or reasonably appears to be less than 40 years of age" before a purchase is made. **Chamber Position: Support.** Indiana's onerous law requiring persons and businesses selling alcoholic beverages to seek identification/proof of age from all purchasers should be repealed. Employee training, use of common sense and good faith efforts to seek identification from purchasers who may be under the legal age of 21 are sufficient. The current (and recently enacted) law has proven unworkable and unpopular. **Signed by Governor**

### **HB 1340 (Third Reading)** **Realignment of Adult Education Administration**

**Sponsored by Sen. Kruse.** Better aligns the Department of Education, State Board of Education, Department of Workforce Development and State Workforce Innovation Council to provide greater effectiveness in delivering adult education opportunities. **Chamber Position: Support.** Nearly one million Hoosier adults lack the basic skills that are needed for success in today's economy. This bill realigns the state's training programs to serve those adults more effectively. Many changes are consistent with the recommendations of a Chamber policy report and a 2009 bipartisan study committee. **Signed by Governor**

### **HB 1341 (Third Reading)** **Special Education Grants for Private Schools**

**Sponsored by Sen. Yoder.** Requires public school districts to expend proportionate shares of their state special education grants on students in nonpublic schools whose needs generated the state funds. **Chamber Position: Support.** Special needs students who enroll in private schools are counted in the special needs enrollment counts for their local public schools and generate the same funding levels as other special needs students in the district. Federal law requires that the funding generated by private school students must be spent on private school students, but current state law does not. Requiring these funds to be spent on the students who generated them will provide parents with more options,

assure that privately placed special needs students are better served and provide better opportunities for special needs students to be enrolled in private schools. **Signed by Governor**

#### **HB 1369 (Third Reading)**

##### **Pay for Performance Program for School Administrators**

**Sponsored by Sen. Kruse.** Would have created the high school graduation study committee, limited superintendent severance packages, established performance standards for school administrators, provided flexibility from superintendent licensing and required a study of superintendent compensation packages. **Chamber Position: Support.** Addressed several issues pertaining to school administrator performance. **Died.**

#### **HB 1369 (Conference Committee Report)**

##### **Pay for Performance Program for School Administrators**

**Sponsored by Sen. Kruse.** Would have provided school districts with greater flexibility in the hiring of their school leaders and would have required schools to implement performance pay for school administrators. **Chamber Position: Support.** As the state considers performance pay for teachers, consistency demands similar incentives for school leaders. Additionally, given that superintendent jobs require knowledge and skills that go well beyond teaching, school boards should have the option to hire district leaders from a broader set of applicants. **Died**

#### **HB 1429 (Third Reading)**

##### **Deregulation of Textbooks and Other Curricular Material**

**Sponsored by Sen. Kruse.** Expands definition of "textbook" to include certain hardware, software and digital content. Adds a definition of "curricular materials" and requires the Department of Education to review them. Requires governing body of each school corporation to adopt textbooks for the school corporation. **Chamber Position: Support.** Provides flexibility for schools to use the best curriculum materials available and eliminates bureaucratic oversight by the state. **Signed by Governor**

#### **HB 1450 (Third Reading)**

##### **Reduction of Unemployment Insurance Tax Increases**

**Sponsored by Sen. Hershman.** Mitigates effects of unemployment tax increase on all employers by placing

them in Schedule E (a much lower rate scale) through 2020. Reduces benefits to the long-term jobless to incentivize them to truly seek and then accept employment. **Chamber Position: Support.** As of January 13, 2011, Indiana had borrowed almost \$2 billion from the federal unemployment trust fund in order to pay benefits to unemployed Hoosiers. Indiana needs to start paying off this loan and the associated interest. This bill addresses some of the eligibility and benefit issues. **Signed by Governor**

#### **HB 1451 (Third Reading)**

##### **Mint Distilling Operations Study**

**Sponsored by Sen. Charbonneau.** Requires the Environmental Quality Service Council to study air emissions of mint distilling operations and report findings and recommendations to the Indiana Department of Environmental Management. **Chamber Position: Support.** Indiana is the third largest state in the production of mint. This measure creates a level of protection from unnecessary regulation while a summer study committee reviews, studies and makes recommendations related to the air emissions of the mint distilling operations. **Signed by Governor**

#### **HB 1486 (Third Reading)**

##### **Insurance Administration Matters**

**Sponsored by Sen. Paul.** Makes various changes concerning insurance law and administration, including financial audits and reporting, licensing, HMOs and small employer health insurance plans. **Chamber Position: Support.** Contains important updates to insurance rules and administration sought by the Department of Insurance. Much of this language brings Indiana law into sync with the National Association of Insurance Commission standards. **Signed by Governor**

#### **HB 1538 (Third Reading)**

##### **Limiting Living Wage Rules**

**Sponsored by Sen. Schneider.** Prohibits a local unit of government from setting a minimum wage that exceeds the state or federal minimum wage. **Chamber Position: Support.** Existing state and federal minimum wage levels should continue to be utilized; local wage laws in excess of those levels would result in job losses. **Signed by Governor**