



2011 End of Session Legislative Report

Let me start by thanking everyone for the phone calls, the emails, the statehouse visits, and getting everyone to the big rally. The 2011 session of the Indiana General Assembly was one of the worst we have seen in years, and without your efforts, it would have been much worse. Thanks to everyone's efforts, we successfully killed the falsely-labeled right-to-work legislation and efforts to ban project labor agreements.

The battle, however, is not over. For the foreseeable future, it is going to take a similar effort if we are to keep building Indiana and the middle class. Our elected officials need to understand that our high-road model of efficiency, and our concentration on apprenticeship and training, has created the highly skilled workforce that is the Indiana Union Construction Industry. When they attempt to bring us down, they are bringing America down!

Below is a quick breakdown of what happened during the very long and tumultuous legislative session.

The Two Biggest Losses

House Bill 1216 – Common Construction Wage – passed despite all efforts to kill it.

- Takes away the governor's appointee—the neutral and traditional chairperson—to the 5-member Common Construction Wage Committees and gives it to the Associated Builders and Contractors of Indiana (ABC)
- Increases the threshold for applicability from \$150,000 to \$250,000 effective January 1, 2012, and from \$250,000 to \$350,000, effective January 1, 2013
- Seeks to overturn a pending legal challenge and allow a wage committee to consider “[a]ny reports with respect to wage scales submitted by the Associated Builders and Contractors of Indiana” without requiring that the information be reliable or verifiable
- Additionally, SB 418—which also passed this session—requires that the committees now meet quarterly instead of on a per project basis.

House Bill 1450 – Unemployment Insurance – passed despite efforts to kill it.

- Reduces unemployment insurance benefits by 25% on average for those making less than \$43,000 a year, effective July 1, 2012

The Two Biggest Defensive Wins

House Bills 1468, 1028, 1043, and Senate Bill 395 – The Falsely-labeled Right-to-Work Bills – were all killed.

- Thanks to the House Democrats' walkout HB 1468 was pulled from the agenda for the session. However, there will be a summer study committee on the matter, and we have been promised that the bill will be brought up again next session, and it will include the Building Trades!

SB 333 – Ban of Project Labor Agreements on Public Works Projects – was killed.

- Thanks to the help of Senators Brent Waltz (R-Greenwood) and Ed Charbonneau (R-Valparaiso) and the intense lobbying effort by all the Building Trades affiliates, SB 333 died on the calendar in the Senate. However, PLAs are to have a study committee this summer.

The Two Biggest Jobs Wins

Senate Bill 473 – Public-Private Partnership Authority Expansion – passed thanks to our efforts.

- Allows the governor/INDOT to build additional roads using public-private partnerships without going back to the General Assembly for approval
- Applies the Common Construction Wage Act to new public-private partnerships, including the Ohio River Bridges project

Special thanks go to Representative Ed Soliday (R-Valparaiso) for his efforts on SB 473 and his inclusion of the wage protections!

Senate Bill 251 – Clean Energy – passed thanks to our efforts to create support for it.

- Allows utilities to recover costs associated with mandatory compliance with EPA regulations
- Utilities will be able to perform certain SCR and environmental work and track and pass the costs to ratepayers without IURC approval
- Also allows for eminent domain with regard to the CO₂ pipeline required for the Rockport Syn-gas plant

This summer will see a series of study committees on Right to Work, Project Labor Agreements, and Common Construction Wage. We will be actively preparing for these hearings, and we will let you know when they are announced. In the meantime, it is important that we all get out and meet our state representatives and state senators: 24 of them were elected for their first time last November and know nothing about us. We must get them to our JATCs and educate them on who we are and what we are about.

We must also work to educate our members and to make sure that they are registered to vote. We can only be successful in our lobbying efforts when we have elected official that understand our issues and are prepared to fight for working families.

In Solidarity,

Pete Rimsans
Executive Director

Building Trades Bill Tracking List

ENROLLED ACTS

(These are bills that passed both houses in identical form. Provided the governor does not veto these bills, they are to become law effective July 1, 2011, unless otherwise stipulated in the act.)

HOSTILE BILLS are **HIGHLIGHTED**

HB1128 *Renewable energy resources.* ([Koch](#), [Gard](#))

Provides that the following qualify as a renewable energy resources for purposes of the statute that provides financial incentives for clean coal and energy projects: (1) Certain resources that qualify as clean energy resources for purposes of the statute governing the voluntary clean energy portfolio standard program .(2) Low temperature, oxygen starved gasification of municipal solid waste. (3) Methane recovered from landfills for the production of electricity.

Date	Action
01/06/2011	H: 1st Reading Assigned Utilities and Energy
01/27/2011	H: Committee Report amend do pass, adopted
01/27/2011	H: Committee Action Pass Amend(9-1) Utilities and Energy
02/03/2011	H: 2nd Reading Order Engrossed
02/03/2011	H: Amendment #1 (Pierce), ruled out of order
02/07/2011	H: 3rd Reading Pass (78-18)
02/07/2011	H: Referred Referred to the Senate
02/17/2011	S: 1st Reading Assigned Utilities & Technology
04/07/2011	S: Committee Report amend do pass, adopted
04/07/2011	S: Committee Action Pass Amend(6-3) Utilities & Technology
04/20/2011	S: 2nd Reading Amended Order Engrossed
04/20/2011	S: Amendment #3 (Gard), prevailed;
04/20/2011	S: Amendment #5 (Gard), prevailed;
04/21/2011	S: 3rd Reading Pass (40-10)
04/21/2011	S: Ret 1st House Amendments
04/25/2011	H: Ret 1st House Dissent
04/29/2011	H: Conf Report Adopted(73-25) H
04/29/2011	S: Conf Report Adopted(49-0) S

HB1203 *Employee representation campaigns.* ([Ubelhor](#), [M. Young](#), [Steele](#))

Provides that: (1) an individual's right to vote by secret ballot in; and (2) an employer's right to engage in a campaign in connection with; an election that is required or permitted by Indiana or federal law for the designation, authorization, or retention of employee representation is guaranteed, unless there is a conflict with the National

Labor Relations Act or another federal law or regulation concerning labor relations or labor organizations. Provides that the results of an election that violates these rights are void.

Date	Action
01/10/2011	H: 1st Reading Assigned Employment, Labor and Pensions
02/16/2011	H: Committee Action Pass(8-4) Employment, Labor and Pensions
02/17/2011	H: Committee Report do pass, adopted
03/28/2011	H: 2nd Reading Order Engrossed
03/30/2011	H: 3rd Reading Pass (60-33)
03/30/2011	H: Referred Referred to the Senate
03/31/2011	S: 1st Reading Assigned Pensions and Labor
04/14/2011	S: Committee Report do pass, adopted
04/18/2011	S: 2nd Reading Order Engrossed
04/19/2011	S: 3rd Reading Pass (35-13)
04/19/2011	S: Ret 1st House No Amendments
04/21/2011	H: Signed By the Speaker
04/25/2011	S: Signed By the President Pro Tem
05/02/2011	S: Signed By the President of the Senate

HB1216 **Common Construction Wage.** (Davis, Kruse, Boots, Walker)

Provides that the state president of the Associated Builders and Contractors of Indiana appoints a member of a common construction wage committee currently appointed by the governor. Raises the threshold for the application of the common construction wage statute from \$150,000 to \$250,000 for contracts awarded after December 31, 2011, and before January 1, 2013, and to \$350,000 for contracts awarded after December 31, 2012. Provides that a committee must consider any written reports with respect to wage scales submitted by the Indiana State Building and Construction Trades Council or the Associated Builders and Contractors of Indiana when making a determination of the common construction wage for a public works project. Provides that a public works project may not be artificially divided to avoid application of the common construction wage statute. Urges the legislative council to assign the following topics to a study committee during the 2011 legislative interim: (1) The use of an agreement with a labor organization on public works projects covered by a public works statute. (2) Job classifications used in a common construction wage determination. Makes technical changes.

Date	Action
01/12/2011	H: 1st Reading Assigned Employment, Labor and Pensions
02/16/2011	H: Committee Action Pass(8-5) Employment, Labor and Pensions
02/17/2011	H: Committee Report do pass, adopted
03/28/2011	H: 2nd Reading Amended Order Engrossed
03/28/2011	H: Amendment #13 (Davis), prevailed: (97-0)

03/28/2011 H: Amendment	#2 (Niezgodski), failed; (41-57)
03/28/2011 H: Amendment	#3 (Moseley), failed; (41-58)
03/28/2011 H: Amendment	#5 (Bartlett), failed; (39-60)
03/28/2011 H: Amendment	#6 (Kersey), failed; (41-58)
03/30/2011 H: 3rd Reading	Pass (54-44)
03/30/2011 H: Referred	Referred to the Senate
03/31/2011 S: 1st Reading	Assigned Pensions and Labor
04/14/2011 S: Committee Report	amend do pass, adopted
04/18/2011 S: 2nd Reading	Amended Order Engrossed
04/18/2011 S: Amendment	#2 (Walker), prevailed;
04/18/2011 S: Amendment	#3 (Walker), prevailed;
04/18/2011 S: Amendment	#1 (Tallian), failed; (17-32)
04/19/2011 S: 3rd Reading	Pass (27-22)
04/19/2011 S: Ret 1st House	Amendments
04/26/2011 H: Ret 1st House	Dissent
04/29/2011 S: Conf Report	Adopted(30-20) S
04/29/2011 H: Conf Report	Adopted(52-47) H

HB1265 River Ridge Commerce Corridor. ([Stemler](#), [M. Young](#), [Grooms](#))

Establishes the River Ridge Commerce Corridor for the area that is adjacent to the segment of State Road 62 between Interstate Highway 265 and State Road 3 or adjacent to the rail line that is parallel to that segment of State Road 62. Assigns certain powers and duties concerning the corridor to the Indiana department of transportation, the Indiana economic development corporation, and the office of community and rural affairs.

Date	Action
01/12/2011 H: 1st Reading	Assigned Roads and Transportation
01/26/2011 H: Committee Action	Pass Amend(11-0) Roads and Transportation
01/27/2011 H: Committee Report	amend do pass, adopted
01/27/2011 H: Referred	Referred to Ways and Means
02/16/2011 H: Committee Action	Pass Amend(17-0) Ways and Means
02/17/2011 H: Committee Report	amend do pass, adopted
02/21/2011 H: 2nd Reading	Order Engrossed
03/30/2011 H: 3rd Reading	Pass (95-0)
03/30/2011 H: Referred	Referred to the Senate
03/31/2011 S: 1st Reading	Assigned Commerce & Economic Development
04/11/2011 S: Committee Action	Pass(10-0) Commerce & Economic Development
04/12/2011 S: Committee Report	do pass, adopted
04/14/2011 S: 2nd Reading	Order Engrossed

04/18/2011	S: 3rd Reading	<u>Pass (48-1)</u>
04/18/2011	S: Ret 1st House	No Amendments
04/19/2011	H: Signed	By the Speaker
04/20/2011	S: Signed	By the President Pro Tem
04/25/2011	S: Signed	By the President of the Senate
04/28/2011	Governor	Signed

HB1371 *Joint committee on transportation infrastructure.* ([Soliday](#), [Charbonneau](#))

Establishes the joint study committee on transportation and infrastructure assessment and solutions. Sets forth the membership of the committee. Provides that the committee operates under policies adopted by the legislative council. Provides that the committee expires January 1, 2016. Repeals law establishing the joint study committee on mass transit and transportation alternatives.

Date	Action	
01/18/2011	H: 1st Reading	Assigned <u>Roads and Transportation</u>
01/26/2011	H: Committee Action	<u>Pass Amend(9-0) Roads and Transportation</u>
01/27/2011	H: Committee Report	amend do pass, adopted
01/31/2011	H: 2nd Reading	Order Engrossed
02/03/2011	H: 3rd Reading	<u>Pass (98-0)</u>
02/03/2011	H: Referred	Referred to the Senate
02/17/2011	S: 1st Reading	referred to Committee on Homeland Security, Transportation and Veterans Affairs
03/08/2011	S: Committee Report	do pass, adopted
03/08/2011	S: Committee Action	<u>Pass(8-0) Homeland Security and Transportation & Veterans Affairs</u>
03/14/2011	S: 2nd Reading	Order Engrossed
03/15/2011	S: 3rd Reading	<u>Pass (43-6)</u>
03/15/2011	S: Ret 1st House	No Amendments
03/16/2011	H: Signed	By the Speaker
03/17/2011	S: Signed	By the President Pro Tem
03/18/2011	S: Signed	By the President of the Senate
03/22/2011	Governor	Signed
05/01/2011	Public Law	P.L. 5

HB1450 *Unemployment insurance.* ([Leonard](#), [Kruse](#), [Hershman](#), [Boots](#))

Provides that an individual employed for any week on an on-call or as-needed basis

and who receives remuneration for personal services or has available work from an on-call employer is not totally or partially unemployed for purposes of receiving an unemployment benefit. Provides that an individual is not eligible for an unemployment insurance benefit (benefit) for any week in which the individual is on a vacation week, if the individual receives remuneration from the employer for that week, or the individual does not receive remuneration from the employer for that week, because of a written contract with the employer or the employer's regular vacation policy and practice, and has a reasonable assurance of employment with the employer after the vacation period ends. Removes the cap on wage credits. Establishes the weekly unemployment insurance benefit amount as 47% of the individual's prior average weekly wage. Establishes the maximum weekly benefit amount at \$390. Removes from the definition of "deductible income": (1) for a week in which a payment is actually received by an individual, payments made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure; and (2) the part of a payment made by an employer to an individual who accepts an offer from the employer in connection with a layoff or a plant closure if that part is attributable to a week, and the week: (A) occurs after an individual receives the payment; and (B) was used under the terms of a written agreement to compute the payment. Includes in the definition of "deductible income": (1) compensation made under a valid negotiated contract or agreement in connection with a layoff or plant closure, without regard to how the compensation is characterized by the contract or agreement; and (2) a supplemental unemployment insurance benefit made under a valid negotiated contract or agreement. Provides for an annual employer surcharge that, for 2011, is equal to 13% of the contribution rate paid by the employer, if the state is required to pay interest on advances made to the state from the federal unemployment account in the federal unemployment trust fund. For a calendar year after 2011, requires the department of workforce development (department) to determine the surcharge percentage for the year by January 31 based on factors that include: (1) the interest rate charged the state for the year; and (2) the state's outstanding loan balance to the federal unemployment account on January 1. Allows the department to use the employer surcharge to repay interest on federal advances. Exempts new employers from payment of the unemployment insurance surcharge. Establishes the unemployment insurance solvency fund for the part of the employer surcharge used to repay interest on federal advances. Provides that, for calendar years 2011 through 2020, Schedule E applies in determining and assigning each employer's contribution rate. Makes changes to the method used to determine an employer's contribution rate when the employer fails to properly file all required contribution and wage reports and to pay all contributions, penalties, and interest due and owing by the employer or the employer's predecessors. Provides that unemployment benefits may 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. Provides that, in 2012, an individual may elect to have state income tax and local income tax withheld from unemployment compensation received by the individual. Provides that a distribution from a pension, retirement, or annuity plan is not deductible from an individual's unemployment benefit if the individual uses the distribution to satisfy a severe financial hardship resulting from an unforeseeable emergency that is the result of events beyond the individual's control. Makes conforming amendments.

Date	Action	
01/20/2011	H: 1st Reading	Assigned Employment, Labor and Pensions
01/25/2011	H: Committee Report	amend do pass, adopted
01/25/2011	H: Committee Action	Pass Amend(8-5) Employment, Labor and Pensions
01/27/2011	H: 2nd Reading	Pass
01/27/2011	H: 2nd Reading	Order Engrossed
01/31/2011	H: 3rd Reading	Pass (61-38)
01/31/2011	H: Referred	Referred to the Senate
02/03/2011	S: 1st Reading	Assigned Tax and Fiscal Policy
02/10/2011	S: Committee Action	Pass(8-4) Tax and Fiscal Policy
02/14/2011	S: Committee Report	do pass, adopted
02/17/2011	S: 2nd Reading	Order Engrossed
02/22/2011	S: 3rd Reading	Pass (33-16)
02/22/2011	S: Ret 1st House	No Amendments
02/23/2011	H: Signed	By the Speaker
02/23/2011	S: Signed	By the President Pro Tem
02/24/2011	S: Signed	By the President of the Senate
02/24/2011	Governor	Signed
05/01/2011	Public Law	P.L. 2

HB1538 [Minimum wage required by local unit. \(Speedy, Schneider\)](#)

Prohibits a local unit of government (unit) from establishing, mandating, or requiring a minimum wage that exceeds the state or federal minimum wage unless federal or state law provides otherwise. Allows a unit to establish wage rates in a contract to which the unit is a party.

Date	Action	
01/20/2011	H: 1st Reading	Assigned Employment, Labor and Pensions
02/15/2011	H: Committee Action	Pass(8-5) Employment, Labor and Pensions
02/17/2011	H: Minority Report	Minority report not substituted for majority report
02/17/2011	H: Committee Report	do pass, adopted
03/28/2011	H: 2nd Reading	Amended Order Engrossed
03/28/2011	H: Amendment	#1 (Speedy), prevailed; voice vote
03/30/2011	H: 3rd Reading	Pass (58-41)
03/30/2011	H: Referred	Referred to the Senate
03/31/2011	S: 1st Reading	Assigned Commerce & Economic Development
04/11/2011	S: Committee Action	Pass(5-3) Commerce & Economic Development
04/12/2011	S: Committee Report	do pass, adopted

04/14/2011 S: 2nd Reading	Order Engrossed
04/21/2011 S: 3rd Reading	<u>Pass (27-23)</u>
04/21/2011 S: Ret 1st House	No Amendments
04/26/2011 H: Signed	By the Speaker
04/26/2011 S: Signed	By the President Pro Tem
05/02/2011 S: Signed	By the President of the Senate

SB 47 *Various riverboat matters.* ([Mrvan](#), [Alting](#), [Hershman](#), [Davis](#))

Permits a licensed owner to convert a riverboat into a permanently moored craft without propulsion or navigation equipment. Provides for submission of plans and commission approval of the construction of a permanently moored craft to replace a licensed owner's self-propelled excursion boat. Provides that a licensed owner converting a self-propelled excursion boat into a permanently moored craft is not required to substantially alter the marine structural and life safety systems of the excursion boat if the excursion boat was in service before January 1, 2010. Removes obsolete provisions concerning the original riverboat licensing process. Authorizes a licensed owner or an operating agent to conduct card tournaments in a hotel or other facility owned or leased by the licensed owner or operating agent. Allows a riverboat or a racetrack casino to receive compensation for advertising alcoholic beverages by brand name. Eliminates certain restrictions under which the holder of a gaming permit may pay for complimentary drinks at certain events. Specifies that servers employed by a lessee or caterer providing food and beverage service at a gaming facility do not have to be employed by the gaming entity. Provides that servers who serve alcoholic beverages in a gaming area must be employed by a person holding a gaming site permit.

Date	Action
01/05/2011 S: 1st Reading	Assigned <u>Public Policy</u>
01/20/2011 S: Committee Report	amend do pass, adopted
01/20/2011 S: Committee Action	<u>Pass Amend(9-1) Public Policy</u>
01/24/2011 S: 2nd Reading	Order Engrossed
01/25/2011 S: 3rd Reading	<u>Pass (33-15)</u>
01/25/2011 S: Referred	Referred to the House
03/31/2011 H: Committee Report	do pass, adopted
03/31/2011 H: Committee Action	<u>Pass(9-0) Public Policy</u>
04/04/2011 H: 2nd Reading	Order Engrossed
04/04/2011 H: Amendment	<u>#1 (Riecken), failed; (39-58)</u>
04/05/2011 H: 3rd Reading	<u>Pass (58-41)</u>
04/05/2011 H: Ret 1st House	No Amendments
04/07/2011 S: Signed	By the President Pro Tem
04/08/2011 H: Signed	By the Speaker
04/12/2011 S: Signed	By the President of the Senate
04/15/2011 Governor	Signed

SB 66 *Utility matters.* ([Gard](#), [Buck](#), [Wolkins](#))

Provides that the following qualify as a renewable energy resources for purposes of the statute that provides financial incentives for clean coal and energy projects: (1) Low temperature, oxygen starved gasification of municipal solid waste. (2) Methane recovered from landfills for the production of electricity. (3) Coal bed methane derived from a naturally occurring biogenic process.

Date	Action	
01/05/2011	S: 1st Reading	Assigned Energy and Environmental Affairs
01/18/2011	S: Committee Action	Pass Amend(9-1) Energy and Environmental Affairs
01/20/2011	S: Committee Report	amend do pass, adopted
01/24/2011	S: 2nd Reading	Order Engrossed
01/25/2011	S: 3rd Reading	Pass (48-1)
01/25/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned Utilities and Energy
04/04/2011	H: Committee Action	Pass Amend(8-2) Utilities and Energy
04/05/2011	H: Committee Report	amend do pass, adopted
04/12/2011	H: 2nd Reading	Amended Order Engrossed
04/12/2011	H: Amendment	#2 (Wolkins), prevailed; voice vote
04/13/2011	H: 3rd Reading	Recommitted to Committee of One, amendment adopted; Pass (72-24)
04/13/2011	H: Amendment	#3 (Wolkins), and prevailed; voice vote
04/13/2011	H: Ret 1st House	Amendments
04/26/2011	S: Ret 1st House	Concur(47-2)
04/28/2011	S: Signed	By the President Pro Tem
04/29/2011	H: Signed	By the Speaker

SB 71 *Coal bed methane and other oil and gas issues.* ([Gard](#), [Eberhart](#))

Allows the department of natural resources to adopt emergency rules for most aspects of oil and gas and other petroleum regulation. Provides that oil and gas statutes do not apply to methane ventilation governed under an approved federal Mine Safety and Health Administration coal mine ventilation plan. Requires the natural resources commission to regulate various aspects of coal bed methane wells. Provides for regulation of coal bed methane wells and other gas wells in a similar manner. Requires coal bed methane well permit applicants to disclose products to be used in the stimulation process of coal seams. Terminates the restriction on the extraction of coal bed methane from a well for oil and gas purposes. Requires the division of oil and gas to give written notice of permit applications to each person who files an affidavit under IC 14-37-7-8. Requires the division of oil and gas (division) to give notice to interested persons of applications for coal bed methane permits, prohibits issuance of a permit less than 30 days after the posting, and establishes other permit issuance criteria. Requires a permit applicant to submit documentation of: (1) receipt

of the permit application notice to the coal owner or lessee, and (2) the notice provided to the owner of surface property before the division issues a permit. Requires the division of oil and gas to act on a permit application within fifteen (15) days after the elapse of the notice period to parties interested in developing commercially minable coal resources. Requires the director of the division of oil and gas to hold, within 30 days after a request, an informal hearing when there is a dispute regarding well locations. Modifies definition of "waste" to include a manner that unreasonably reduces the quantity of commercially minable resources. Allows the division to require an owner or operator to modify the location for the drilling of a well for oil and gas purposes, and requires an owner or operator to provide notice of the intent to drill under certain circumstances. Establishes coal seam protection requirements with respect to producing vertical oil and gas wells. Requires the coal owner to acknowledge that the recovery of coal bed methane may result in waste of the commercially minable resource in the written consent authorizing the drilling. Requires: (1) provide thirty (30) days from receipt of the permit application notice to object to the issuance of a permit; and (2) include endangerment of the health and safety of miners as basis for objection. Modifies certain requirements for an affidavit and map used to determine if a commercially minable coal resource is present in an area for which a permit application has been filed. Allows the division to release information regarding the presence of commercially minable coal seams to a person with an interest only in oil and gas explorations in addition for a well applicant. Adjusts the requirements for plugging wells. Allows the director to review certain activities that may result in waste or endangerment of the health and safety of miners. Allows the director of the division of oil and gas to approve alternative plugging methods. Allows an owner or operator of a coal mine to burn by flares coal bed methane under certain circumstances. Limits the exercise of rights in certain circumstances under a coal bed methane estate if the exercise affects miner safety or coal resources. Repeals provisions concerning requirements for coal seam protection and for plugging of wells. Provides that actual damages are damages to marketable timber, crops, drainage systems, or erosion control systems, or quantifiable and verifiable damage to crops from compaction, abnormal flooding, or abnormal soil erosion caused by oil and gas operations. Requires an owner or holder of mineral interests, unless otherwise agreed by the surface owner, to provide written notice of intent to enter the surface owner's property at least five (5) days before an entry for purposes of surveying for drilling for oil, gas, or coal bed methane.

Date	Action	
01/05/2011	S: 1st Reading	Assigned Energy and Environmental Affairs
01/20/2011	S: Committee Report	amend do pass, adopted
01/24/2011	S: Committee Action	Pass Amend(9-1) Energy and Environmental Affairs
02/07/2011	S: 2nd Reading	Amended Order Engrossed
02/07/2011	S: Amendment	#9 (Gard), prevailed;
02/07/2011	S: Amendment	#1 (Breaux), failed; Division of the Senate: yeas 12, nays 31
02/07/2011	S: Amendment	#2 (Breaux), failed; (12-37)
02/08/2011	S: 3rd Reading	Pass (39-10)
02/08/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned Natural Resources

04/14/2011	H: Committee Report	amend do pass, adopted
04/14/2011	H: Committee Action	<u>Pass Amend(11-1) Natural Resources</u>
04/18/2011	H: 2nd Reading	Order Engrossed
04/21/2011	H: 3rd Reading	<u>Pass (72-24)</u>
04/21/2011	H: Ret 1st House	Amendments
04/26/2011	S: Ret 1st House	<u>Concur(43-7)</u>
04/28/2011	S: Signed	By the President Pro Tem
04/29/2011	H: Signed	By the Speaker

SB 86 *Unemployment benefits.* (Leising, Leonard)

Specifies the conditions for the payment of extended unemployment benefits after March 1, 2011. Requires that a drug test used for unemployment purposes be performed at a United States Department of Health and Human Services certified laboratory, with specimen collection performed by a collector certified by the United States Department of Transportation, and that the cost of the drug test be paid by the employer. Provides that an individual is considered to have refused an offer of suitable work if the individual: (1) tests positive for drugs after; or (2) refuses without good cause to submit to; a drug test required by a prospective employer as a condition of an offer of employment. Specifies the conditions under which a drug test is positive for purposes of the unemployment insurance system. Prohibits the admission of department of workforce development (department) records concerning the results of a drug test against a defendant in a criminal proceeding. Makes technical corrections.

Date	Action	
01/05/2011	S: 1st Reading	Assigned <u>Pensions and Labor</u>
01/12/2011	S: Committee Report	do pass, adopted
01/24/2011	S: 2nd Reading	Amended Order Engrossed
01/24/2011	S: Amendment	#1 (Tallian), prevailed;
01/25/2011	S: 3rd Reading	<u>Pass (48-1)</u>
01/25/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned <u>Employment, Labor and Pensions</u>
04/06/2011	H: Committee Action	<u>Pass Amend(8-0) Employment, Labor and Pensions</u>
04/07/2011	H: Committee Report	amend do pass, adopted
04/11/2011	H: 2nd Reading	Amended Order Engrossed
04/11/2011	H: Amendment	#3 (Leonard), prevailed; voice vote
04/12/2011	H: 3rd Reading	<u>Recommitted to Committee of One, amendment adopted; Pass (88-1)</u>
04/12/2011	H: Amendment	#7 (Leonard), and prevailed; voice vote

04/12/2011	H: Ret 1st House	Amendments
04/14/2011	S: Ret 1st House	Concur(49-0)
04/14/2011	H: Signed	By the Speaker
04/14/2011	S: Signed	By the President Pro Tem
04/14/2011	S: Signed	By the President of the Senate
04/15/2011	Governor	Signed

SB 251 *Clean energy.* ([Gard](#), [Hershman](#), [Lutz](#))

Defines a "compliance project" as a project undertaken by an energy utility to comply with certain specified federally mandated requirements. Requires an energy utility that seeks to recover federally mandated costs incurred in connection with a compliance project to apply to the utility regulatory commission (IURC) for a certificate of public convenience and necessity for the compliance project. Sets forth certain factors that the IURC must consider in determining whether to grant a certificate. Specifies that if the IURC approves a proposed compliance project and the projected federally mandated costs associated with the project, the following apply: (1) 80% of the approved costs shall be recovered by the energy utility through a periodic retail rate adjustment mechanism. (2) 20% of the approved costs shall be deferred and recovered by the energy utility as part of the next general rate case filed by the energy utility with the IURC. (3) Actual costs exceeding the projected federally mandated costs of the approved compliance project by more than 25% shall require specific justification and approval before being authorized in the energy utility's next general rate case. Allows a nuclear energy production or generating facility to qualify for certain financial incentives available for clean energy projects if the facility: (1) supplies electricity to Indiana retail customers on July 1, 2011; and (2) is undergoing a comprehensive life cycle management project to enhance the safety and reliability of the facility while it is licensed to operate by the United States Nuclear Regulatory Commission. Requires the IURC to adopt rules to establish the voluntary clean energy portfolio standard program to provide incentives to participating electricity suppliers to obtain specified percentages of electricity from clean energy sources in accordance with two clean portfolio standard goals (CPS goals). Sets forth qualifying clean energy resources for purposes of the program. Amends the definition of "renewable energy resources" for purposes of the statute providing financial incentives for clean energy projects to consist of certain clean energy resources that qualify for the voluntary clean energy portfolio standard program. Requires the IURC to determine, before approving an application for participation in the program, that approving the application will not result in an increase to the electricity supplier's retail rates and charges above what could reasonably be expected if the application were not approved. Provides that in determining whether an electricity supplier has met a CPS goal, the IURC shall require that least 50% of the clean energy obtained by the electricity supplier to meet the energy requirements of its Indiana retail customers must originate from clean energy resources located in Indiana. Provides that a participating electricity supplier may own or purchase clean energy credits to meet a CPS goal. Beginning in 2014, requires: (1) a participating electricity supplier to report annually to the IURC on the supplier's efforts to meet the CPS goals; and (2) the IURC to include in its annual report to the regulatory flexibility committee a summary of the information reported by participating electricity suppliers. Amends the Indiana Code section concerning the state utility forecasting group's (SUGF) annual study of renewable energy resources as follows: (1) Requires the SUGF to study certain specified clean energy resources. (2) Provides that

the IURC: (A) may direct the SUFG to study additional clean energy resources; and (B) shall direct the SUFG concerning the appropriate level of detail for the report prepared in connection with the study. (3) Removes the requirement that the SUFG evaluate potential renewable energy generation opportunities from biomass and algae production systems. Establishes procedures for the issuance by the department of natural resources (department) of a carbon dioxide transmission pipeline certificate of authority that allows the construction, operation, and maintenance of a pipeline and the use of eminent domain for those purposes. Requires the department to deposit in the oil and gas environmental fund (fund) fees collected in connection with an application for a certificate. Allows money in the fund to be appropriated for pipeline safety purposes. Requires an applicant for a certificate to have entered into a contract for the transportation of carbon dioxide with at least one producer of carbon dioxide that is located in Indiana. Provides that an applicant for a certificate must comply with federal and state safety regulations governing carbon dioxide transmission pipelines. Provides that an applicant for a certificate must have: (1) entered into an agreement with the IURC concerning the mitigation of agricultural impacts from the construction of the proposed pipeline; or (2) signed a statement indicating that the applicant agrees to use, in constructing the pipeline, certain guidelines adopted by the IURC's pipeline safety division. Limits a carbon dioxide transmission pipeline company to exercising the power of eminent domain only for a right of way or an easement. Provides that a carbon dioxide transmission pipeline company that exercises the power of eminent domain must: (1) compensate the property owner by making a payment to the owner equal to: (A) 125% of the fair market value of the interest acquired, if the interest involves agricultural land; or (B) 150% of the fair market value of the interest acquired, if interest involves a residence; and (2) pay to the property owner: (A) any damages determined under the statute governing eminent domain; and (B) any loss incurred in a trade or business; that are attributable to the exercise of eminent domain. Allows a carbon dioxide transmission pipeline company 180 days after the pipeline is completed to provide information to the department about the actual route of the pipeline. Provides that the provisions concerning carbon dioxide transmission pipelines expire July 1, 2021.

Date	Action
01/06/2011	S: 1st Reading Assigned Rules and Legislative Procedure
02/07/2011	S: Committee Report amended, reassigned Utilities & Technology
02/10/2011	S: Committee Action Pass(6-2) Utilities & Technology
02/14/2011	S: Committee Report do pass, adopted
02/17/2011	S: 2nd Reading Amended Order Engrossed
02/17/2011	S: Amendment #6 (Gard), prevailed;
02/22/2011	S: 3rd Reading Pass (32-17)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Utilities and Energy
04/15/2011	H: Committee Report amend do pass, adopted
04/15/2011	H: Committee Action Pass(6-3) Utilities and Energy
04/19/2011	H: 2nd Reading Amended Order Engrossed
04/19/2011	H: Amendment #18 (Frizzell), prevailed; voice vote
04/21/2011	H: 3rd Reading Pass (62-34)
04/21/2011	H: Ret 1st House Amendments

04/26/2011	S: Ret 1st House	Concur(31-19)
04/28/2011	S: Signed	By the President Pro Tem
04/29/2011	H: Signed	By the Speaker

SB 338 *Work zone safety.* ([Grooms](#), [Stemler](#))

Requires a worksite speed limit to be at least ten miles per hour below the maximum established speed limit for the location on the road or highway on which the worksite is located. Provides that a driver who, in a highway work zone, engages in certain acts that in combination otherwise constitute the offense of aggressive driving commits a Class B infraction. Provides that the Indiana department of transportation may use funds collected as judgments for these infractions to hire off-duty police officers to patrol highway work zones.

Date	Action	
01/11/2011	S: 1st Reading	referred to Committee on Homeland Security, Transportation and Veterans Affairs
01/25/2011	S: Committee Action	Pass(8-1) Homeland Security and Transportation & Veterans Affairs
01/31/2011	S: Committee Report	do pass, adopted
02/03/2011	S: 2nd Reading	Order Engrossed
02/08/2011	S: 3rd Reading	Pass (43-6)
02/08/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned Roads and Transportation
04/06/2011	H: Committee Action	Pass(11-0) Roads and Transportation
04/07/2011	H: Committee Report	do pass, adopted
04/11/2011	H: 2nd Reading	Order Engrossed
04/12/2011	H: 3rd Reading	Pass (92-0)
04/12/2011	H: Ret 1st House	No Amendments
04/14/2011	S: Signed	By the President Pro Tem
04/19/2011	S: Signed	By the President of the Senate
04/26/2011	Governor	Signed

SB 418 *Common construction wage.* ([Kruse](#), [Davis](#))

Provides that the committee established in a county to determine the common construction wage for the county does not need to meet more often than once every three months and that the common construction wage determined at a meeting applies to all public works contracts awarded within the three months following the meeting. (Currently the committee must meet for each project.) Requires the committee to establish wages for all

classifications that a county may need during the following three months. Requires that a new committee meet to establish wages for projects that require classifications not included on the three-month wage scale. Removes a requirement that the department of workforce development must provide reports for each meeting of the committee.

Date	Action
01/12/2011	S: 1st Reading Assigned Pensions and Labor
02/17/2011	S: Committee Report amend do pass, adopted
02/21/2011	S: 2nd Reading Order Engrossed
02/22/2011	S: 3rd Reading Pass (47-2)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Employment, Labor and Pensions
03/31/2011	H: Committee Report do pass, adopted
03/31/2011	H: Committee Action Pass(11-0) Employment, Labor and Pensions
04/04/2011	H: 2nd Reading Order Engrossed
04/05/2011	H: 3rd Reading Pass (96-2)
04/05/2011	H: Ret 1st House No Amendments
04/07/2011	S: Signed By the President Pro Tem
04/08/2011	H: Signed By the Speaker
04/12/2011	S: Signed By the President of the Senate
04/15/2011	Governor Signed

SB 473 *Various transportation issues.* ([Rogers](#), [Wyss](#), [Charbonneau](#), [Soliday](#))

Requires the general assembly to enact a statute to authorize : (1) imposing tolls as part of a public-private agreement, on an existing highway, or on I-69; or (2) constructing part of I-69. Provides that, beginning July 1, 2011, and ending June 30, 2021, legislative approval is not required to impose tolls on certain projects. Provides that a public-private agreement entered into after June 30, 2011, must contain certain provisions concerning methodologies used to fix user fees or tolls. Requires the budget committee to meet within 90 days and conduct a review of any project that includes tolls. Provides that the common construction wage applies to projects that are subjects of public-private agreements entered into after April 30, 2011. Provides that the owner of a motor vehicle that passes through a toll collection facility without paying the proper toll commits a moving violation, a Class C infraction. Establishes procedures for the collections of unpaid fines for these moving violations.

Date	Action
01/13/2011	S: 1st Reading referred to Committee on Homeland Security, Transportation and
01/31/2011	S: Reassign Assigned Appropriations
02/17/2011	S: Committee Report amend do pass, adopted
02/17/2011	S: Committee Action Pass Amend(9-3) Appropriations

02/21/2011	S: 2nd Reading	Order Engrossed
02/22/2011	S: 3rd Reading	<u>Pass (37-12)</u>
02/22/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned <u>Roads and Transportation</u>
04/06/2011	H: Committee Action	<u>Pass Amend(7-5) Roads and Transportation</u>
04/08/2011	H: Minority Report	Minority report not substituted for majority report
04/08/2011	H: Committee Report	amend do pass, adopted
04/13/2011	H: 2nd Reading	amended, made special order of business for 1 :45pm 04/14/2011
04/13/2011	H: Amendment	<u>#77 (Soliday), prevailed; (85-12)</u>
04/13/2011	H: Amendment	#78 (Soliday), prevailed; voice vote
04/13/2011	H: Amendment	#74 (Clere), prevailed; voice vote
04/13/2011	H: Amendment	#72 (Rhoads), prevailed; voice vote
04/13/2011	H: Amendment	<u>#56 (Tyler), prevailed; (77-20)</u>
04/13/2011	H: Amendment	<u>#17 (Pierce), prevailed; (84-15)</u>
04/14/2011	H: 2nd Reading	Amended Order Engrossed
04/14/2011	H: Amendment	<u>#79 (Soliday), prevailed; (96-0)</u>
04/15/2011	H: 3rd Reading	<u>Recommitted to Committee of One, amendment adopted; Pass (73-19)</u>
04/15/2011	H: Amendment	#80 (Soliday), and prevailed; voice vote
04/15/2011	H: Ret 1st House	Amendments
04/25/2011	S: Ret 1st House	Dissent
04/28/2011	H: Conf Report	<u>Adopted(61-15) H</u>
04/29/2011	S: Conf Report	<u>Adopted(31-18) S</u>
04/29/2011	S: Signed	By the President Pro Tem
04/29/2011	H: Signed	By the Speaker

SB 481 Wind power device exemption. (Hershman, Lehe)

Specifies that a wind power device does not qualify for the assessed value deduction if it is owned or operated by: (1) a public utility; or (2) another entity that provides electricity at wholesale or retail for consideration, other than a person who participates in a net metering program offered by an electric utility.

Date	Action
01/13/2011	S: 1st Reading Assigned <u>Tax and Fiscal Policy</u>
01/25/2011	S: Committee Report amend do pass, adopted
01/25/2011	S: Committee Action <u>Pass Amend(11-0) Tax and Fiscal Policy</u>
01/31/2011	S: 2nd Reading Amended Order Engrossed
01/31/2011	S: Amendment #1 (Hershman), prevailed;
02/03/2011	S: 3rd Reading <u>Pass (48-0)</u>

02/03/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned Utilities and Energy
04/04/2011	H: Committee Action	Pass(10-0) Utilities and Energy
04/05/2011	H: Committee Report	do pass, adopted
04/07/2011	H: 2nd Reading	Order Engrossed
04/08/2011	H: 3rd Reading	Pass (89-0)
04/08/2011	H: Ret 1st House	No Amendments
04/12/2011	S: Signed	By the President Pro Tem
04/13/2011	H: Signed	By the Speaker
04/15/2011	S: Signed	By the President of the Senate
04/20/2011	Governor	Signed

SB 533 *Design-build public works projects.* ([Mishler](#), [Buck](#), [Messmer](#))

Provides that a public agency may not require an offeror to appear in person more than three times before the technical review committee for a design-build contract. Requires a public agency that proposes a public project for which a referendum is to be held to wait until after the referendum is completed to issue a request for proposals for the public project. Limits the deliverables required for a qualitative proposal submitted in response to a request for proposals. Repeals the provision in current law requiring the governing body of a public agency to give prior authorization to use design-build contracting. Amends the definition of "public agency" to include conservancy districts established for water supply or sewage treatment. Amends the definition of "public project" to include improvements other than buildings. Provides that the meetings of a technical review committee for a public project comprised entirely of employees of the public agency undertaking the public project are not open to the public. Allows a state educational institution to use the combined request for qualifications and request for proposals for all design-build projects (combined request procedure). Allows a public agency other than a state educational institution to use the combined request procedure for public projects having an initial estimated cost that does not exceed \$5,000,000. Provides that a technical review committee must give a written comprehensive score for each qualitative proposal received in response to a request for proposals, which includes: (1) an explanation of the scoring methodology; (2) for each factor used in determining the composite score of the qualitative proposal, the scores awarded by each member of the technical review committee, the resulting technical review committee score, and the resulting weighted score, if applicable; and (3) the composite score calculated for the qualitative proposal.

Date	Action	
01/18/2011	S: 1st Reading	Assigned Commerce & Economic Development
02/07/2011	S: Committee Action	Pass Amend(8-0) Commerce & Economic Development
02/08/2011	S: Committee Report	amend do pass, adopted
02/15/2011	S: 2nd Reading	Amended Order Engrossed
02/15/2011	S: Amendment	#1 (Mishler), prevailed;

02/17/2011	S: 3rd Reading	Pass (49-1)
02/17/2011	S: Referred	Referred to the House
03/29/2011	H: 1st Reading	Assigned Government and Regulatory Reform
04/12/2011	H: Committee Report	amend do pass, adopted
04/12/2011	H: Committee Action	Pass Amend(12-1) Government and Regulatory Reform
04/14/2011	H: 2nd Reading	Order Engrossed
04/15/2011	H: 3rd Reading	Pass (75-15)
04/15/2011	H: Ret 1st House	Amendments
04/21/2011	S: Ret 1st House	Dissent
04/29/2011	H: Conf Report	Adopted(81-16) H
04/29/2011	S: Conf Report	Adopted(50-0) S

SB 576 *Worker's compensation.* ([Boots](#), [Lehman](#))

Requires that all members of the worker's compensation board (board) be attorneys in good standing admitted to the practice of law in Indiana. Renames the position of executive secretary executive administrator. Requires a health care provider to file a claim for payment with the board not later than two years after the provider receives an initial written communication from an employer, the employer's insurance carrier, or an agent acting on behalf of the employer in response to the provider's submission of a bill for services. Requires a hospital or facility that is a medical service provider to pay a \$60 filing fee for each application filed in a balance billing case. Provides that a filing fee is not required for an application filed for a denied or unpaid claim. Allows a provider to combine up to 10 individual claims into one application whenever all of the individual claims involve the same employer, insurance carrier, or billing review service, and the amount of each individual claim does not exceed \$200. Allows the second injury fund to be used to pay certain fund liabilities. Authorizes the board to resolve claims using mediation. Requires an employer to provide a copy of an injury or disablement report to the board upon request. Requires an injury or disablement report within seven days after the first day of a disability arising from a work place injury or disablement by occupational disease (rather than the occurrence of the injury or disablement). Increases civil penalties for failure to: (1) post certain notices; (2) file certain records; or (3) comply with IC 22-3-3-7 or IC 22-3-7-16 (concerning the determination and payment of compensation or benefits). Permits the board to request evidence of worker's compensation and occupational diseases compensation coverage from an employer. Establishes a civil penalty of \$50 per employee per day for an employer's failure to provide proof of coverage. Requires the board to waive a civil penalty assessed whenever an employer provides proof of coverage by the twentieth day after the board provides written notice of the employer's failure to provide evidence of the coverage. Allows the board, after notice and a hearing, to post on the board's web site the name of an employer who fails or refuses to provide proof of coverage or pay a civil penalty assessed for the failure or refusal to provide coverage. Provides that an employer's name may not be removed from the board's web site until the employer provides proof of coverage and pays the civil penalties assessed. Requires that civil penalties be deposited in the worker's compensation supplemental administrative fund, instead of the state general fund. Increases criminal penalties for an employer's failure to insure or otherwise provide

adequate security for the employer's worker's compensation and occupational disease liabilities and for violating any other worker's compensation or occupational disease laws. Provides that a court may temporarily order an employer that fails or refuses to pay worker's compensation or occupational disease benefits when due to cease doing business until the employer furnishes to the board proof of insurance or other assurances to establish that the employer has the ability to meet all worker's compensation and occupational disease liabilities. Allows the owner of a sole proprietorship who is an independent contractor and does not elect worker's compensation and occupational disease coverage to obtain a certification of exemption. Urges the legislative council to assign to the pension management oversight commission (commission) the task of studying whether to increase the benefit schedules for worker's compensation and occupational disease compensation. Urges the legislative council to assign to the commission or another committee the task of studying whether to amend the definition of "pecuniary liability" to establish the charge for services or products provided by a medical services facility as equal to a percentage determined using the Medicare program reimbursement methodologies, models, and values or weights, including the coding, billing, and reporting payment polices in effect on the date a service or product is provided. Requires, if the commission or another committee is assigned the topics, that the commission or committee issue a final report containing the commission's or committee's findings and recommendations, including any recommended legislation, not later than November 1, 2011. Makes conforming and technical corrections.

Date	Action	
01/20/2011	S: 1st Reading	Assigned Pensions and Labor
02/17/2011	S: Committee Report	amend do pass, adopted
02/21/2011	S: 2nd Reading	Order Engrossed
02/22/2011	S: 3rd Reading	Pass (46-2)
02/22/2011	S: Referred	Referred to the House
03/28/2011	H: 1st Reading	Assigned Employment, Labor and Pensions
03/29/2011	H: Committee Report	do pass, adopted
03/29/2011	H: Committee Action	Pass(13-0) Employment, Labor and Pensions
03/31/2011	H: 2nd Reading	Amended Order Engrossed
03/31/2011	H: Amendment	#1 (Lehman), prevailed; voice vote
03/31/2011	H: Amendment	#4 (Tyler), prevailed; voice vote
04/12/2011	H: 3rd Reading	Recommitted to Committee of One, amendment adopted: Pass (92-0)
04/12/2011	H: Amendment	#5 (Lehman), and prevailed; voice vote
04/12/2011	H: Ret 1st House	Amendments
04/14/2011	S: Ret 1st House	Dissent
04/28/2011	H: Conf Report	Adopted(80-0) H
04/29/2011	S: Conf Report	Adopted(50-0) S

SB 590 *Illegal immigration matters.* (Kruse, Delph, Koch)

Makes various changes concerning enforcement of federal immigration laws, illegal immigration, and related criminal matters, including the following: (1) Requiring the office of management and budget to calculate the costs of illegal aliens to Indiana and make a written request to the Congress of the United States to reimburse the state for those costs. (2) Prohibiting governmental bodies from limiting or restricting: (A) certain actions by other governmental bodies with regard to information of the citizenship or immigration status of an individual; and (B) the enforcement of federal immigration laws to less than the full extent permitted by federal law. Allows certain persons to bring an action to compel a governmental body to comply with these provisions. (3) Prohibiting a law enforcement agency or law enforcement officer from requesting verification of the citizenship or immigration status of an individual from federal immigration authorities if the individual has contact with the agency or officer only as a witness to or a victim of a crime or for purposes of reporting a crime. (4) Disallowing certain state income tax credits and deductions for individuals who are prohibited from being hired as employees, unless the employer participated in the E-Verify program. (5) Requiring the department of correction to verify the citizenship or immigration status of criminal offenders. (6) Requiring an agency or political subdivision to verify the eligibility of an individual who applies for federal, state, or local public benefits. (7) Requiring the department of workforce development (DWD) to verify the status of an individual as a qualified alien through the Systematic Alien Verification for Entitlements program to determine the individual's eligibility for unemployment compensation benefits. (8) Authorizing DWD to file civil actions to obtain the reimbursement of amounts paid as unemployment insurance benefits from employers that knowingly employed unauthorized aliens. (9) Requiring state agencies, political subdivisions, contractors with public contracts for services with the state or a political subdivision, and certain business entities to use E-Verify. Requiring certain subcontractors to certify that they use E-Verify. (10) Allowing a state agency or political subdivision to terminate a public contract for services with a contractor for breach of the public contract for services if the contractor knowingly employs an unauthorized alien. (11) Prohibiting individuals from commencing day labor without completing an attestation required under federal law. Requiring probable cause before a law enforcement officer may submit a complaint to the United States Customs and Immigration Enforcement office concerning violations of required federal attestations related to day labor. (12) Establishing certain state crimes, including: (A) offenses related to consular identification; (B) false identity statement; (C) knowingly or intentionally transporting or moving an alien, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of the law; and (D) knowingly or intentionally concealing, harboring, or shielding from detection an alien in any place, including a building or means of transportation, for the purpose of commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law. (13) Requiring law enforcement officers to impound motor vehicles for violations of crimes related to moving, transporting, concealing, harboring, or shielding from detection aliens. (14) Allowing a law enforcement officer to arrest a person if the officer has a certain removal order, detainer, or notice of action issued for the person or if the officer has probable cause to believe the person has been indicted for or convicted of one or more certain aggravated felonies. (15) Requiring a judicial officer in setting bail to consider that the defendant is a foreign national who has not been lawfully admitted to the United States as relevant to the risk of nonappearance. (16) Establishing certain bond requirements if bail

is set for a defendant who is a foreign national unlawfully present in the United States. (17) Urging the legislative council to: (A) assign to an existing study committee certain topics concerning immigration; and (B) urge the study committee to consult with the lieutenant governor on the topics.

Date	Action
01/20/2011	S: 1st Reading Assigned Pensions and Labor
02/10/2011	S: Committee Report amended, reassigned Appropriations
02/17/2011	S: Committee Report amend do pass, adopted
02/17/2011	S: Committee Action Pass Amend(8-5) Appropriations
02/21/2011	S: 2nd Reading Amended Order Engrossed
02/21/2011	S: Amendment #7 (Delph), prevailed;
02/21/2011	S: Amendment #8 (Tallian), prevailed; (50-0)
02/22/2011	S: 3rd Reading Pass (31-18)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Public Policy
04/15/2011	H: Committee Report amend do pass, adopted
04/15/2011	H: Committee Action Pass Amend(6-5) Public Policy
04/20/2011	H: 2nd Reading Amended Order Engrossed
04/20/2011	H: Amendment #9 (Turner), prevailed; voice vote
04/20/2011	H: Amendment #14 (Torr), prevailed; (51-43)
04/20/2011	H: Amendment #16 (Torr), prevailed; voice vote
04/20/2011	H: Amendment #10 (Davis), prevailed; voice vote
04/20/2011	H: Amendment #7 (Tyler), prevailed; (91-0)
04/21/2011	H: 3rd Reading Pass (64-32)
04/21/2011	H: Ret 1st House Amendments
04/25/2011	S: Ret 1st House Dissent
04/29/2011	H: Conf Report Adopted(68-30) H
04/29/2011	S: Conf Report Adopted(35-15) S

The Bills that Died

HOSTILE BILLS are **HIGHLIGHTED**

HB1028 *Employee's right to work.* (Culver, Torr)

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

Date	Action
01/05/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1043 *Employee's right to work.* (Torr, Kubacki, Turner, Culver)

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

Date	Action
01/05/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1067 *Project Labor Agreement (PLA) ban on public works projects.* (Hinkle, Torr)

Provides that the plans, specifications, and contract documents for a public works project may not require bidders, contractors, or subcontractors to enter into or comply with certain agreements with labor organizations. Provides a cause of action to challenge the award of a contract that violates these provisions.

Date	Action
01/05/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1094 *Public work projects.* (Cherry)

Provides that a political subdivision may perform public work by using its own workforce if the cost of the project is less than \$150,000. (Current law provides that the project cost must be less than \$100,000.)

Date	Action
01/05/2011	H: 1st Reading Assigned Local Government
01/20/2011	H: Reassign Assigned Employment, Labor and Pensions

HB1118 *K-12 school building plans.* (Pond)

Requires a school corporation to use standardized plans and specifications for construction, alteration, and repair of school buildings, athletic facilities, and other facilities. Permits a school corporation to appeal to the state board of education for

approval to use other plans and specifications. Provides that the state board may approve the plans and specifications proposed by a school corporation if the board finds that using the proposed plans will be as efficient and cost effective as using the standards.

Date	Action
01/06/2011 H: Author	Added Phyllis J. Pond
01/06/2011 H: 1st Reading	Assigned Education

HB1130 Opportunity to correct violation. ([Koch](#), [Gard](#))

Imposes a duty on an agency under certain circumstances to give a person an opportunity to correct an alleged violation of law that is discovered in an inspection.

Date	Action
01/06/2011 H: 1st Reading	Assigned Government and Regulatory Reform
01/11/2011 H: Committee Report	do pass, adopted
01/11/2011 H: Committee Action	Pass(10-0) Government and Regulatory Reform
02/14/2011 H: 2nd Reading	Amended Order Engrossed
02/14/2011 H: Amendment	#13 (Koch), prevailed; voice vote
02/15/2011 H: 3rd Reading	Pass (83-11)
02/15/2011 H: Referred	Referred to the Senate
02/17/2011 S: 1st Reading	Assigned Public Policy

HB1136 Injuries to or death of an employee. ([Stevenson](#))

Provides that certain employers or their agents that cause: (1) serious bodily injury to an employee as a result of a reckless, knowing, or intentional violation of certain administrative rules commit a Class A misdemeanor; (2) the death of an employee as a result of a reckless violation of certain administrative rules commit corporate manslaughter, a Class D felony; and (3) the death of an employee as a result of a knowing or intentional violation of certain administrative rules commit corporate manslaughter, a Class C felony. Provides that an employer or agent of the employer who destroys or negligently or intentionally allows the destruction of a document concerning hazards to the public or the employees of the employer commits a Class B misdemeanor. Authorizes a private right of action for the failure to warn of certain conditions under the state occupational safety and health act. Makes conforming amendments.

Date	Action
01/06/2011 H: 1st Reading	Assigned Employment, Labor and Pensions

HB1184 DOC vocational development projects. ([Dermody](#))

Allows the department of correction, to assist in the vocational development of inmates, to use inmate labor on any project for the rehabilitation, extension,

maintenance, construction, or repair of any state structure estimated to cost less than \$100,000.

<u>Date</u>	<u>Action</u>
01/10/2011	H: 1st Reading Assigned Courts and Criminal Code

HB1194 *Restaurant permits in economic development areas.* ([Lehe](#))

Allows the alcohol and tobacco commission to issue a retailer's permit to the proprietor of a restaurant located in an economic development area, a redevelopment project area, an urban renewal area, or a redevelopment area within a city or town, if the area meets certain investment and assessed value requirements. Provides that the permits are not subject to the quota provisions. Requires an applicant for a permit in such an area to: (1) expend at least \$75,000 over five years for renovation or rehabilitation of a restaurant building; or (2) commit to a capital investment in a restaurant building of at least \$75,000 that is expended before the permit is issued. Provides that an applicant is not eligible for a permit in the redevelopment area issued outside the quota unless the applicant demonstrates that the applicant attempted to obtain a permit subject to the quota restrictions and a permit was not readily available. Prohibits the permit from being transferred to another location.

<u>Date</u>	<u>Action</u>
01/10/2011	H: 1st Reading Assigned Commerce, Small Business and Economic Development
01/13/2011	H: Reassign Assigned Public Policy

HB1196 *Wind power device deduction limitation.* ([Lehe](#))

For the property tax deduction for a wind power device for assessment dates after 2010, excludes a device that produces electricity that is sold in the ordinary course of a trade or business. Provides that the exclusion does not apply to a device the primary purpose of which is to produce electricity for use on or in the immediate vicinity of the parcel on which the device is located and from which the electricity produced that exceeds the amount required for that use is sold to the electrical grid.

<u>Date</u>	<u>Action</u>
01/10/2011	H: 1st Reading Assigned Utilities and Energy

HB1207 *Unemployment compensation and drug testing.* ([Ubelhor](#))
(See SB 86)

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

Date	Action
01/10/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1262 Energy savings contracts. ([Stemler](#))

Provides that qualified providers eligible to enter into guaranteed energy savings contracts with local government entities also include persons providing energy conservation design services by a licensed architect. (Current law limits qualified providers to persons providing engineering services by a licensed professional engineer.)

Date	Action
01/12/2011	H: 1st Reading Assigned Utilities and Energy

HB1267 Drug testing and unemployment benefits. ([Kubacki](#), [Tallian](#), [Leising](#), [Schneider](#))
(See SB 86)

Provides that an individual is considered to have refused an offer of suitable work if the individual: (1) tests positive for drugs after; or (2) refuses without good cause to submit to; a drug test required by a prospective employer as a condition of an offer of employment. Provides that the department of workforce development's records concerning the results of a drug test may not be admitted against a defendant in a criminal proceeding.

Date	Action
01/12/2011	H: 1st Reading Assigned Employment, Labor and Pensions
02/08/2011	H: Committee Report amend do pass, adopted
02/08/2011	H: Committee Action Pass Amend(13-0) Employment, Labor and Pensions
02/10/2011	H: 2nd Reading Order Engrossed
02/14/2011	H: 3rd Reading Pass (89-0)
02/14/2011	H: Referred Referred to the Senate
02/17/2011	S: 1st Reading Assigned Pensions and Labor
03/03/2011	S: Committee Report amend do pass, adopted
03/14/2011	S: 2nd Reading Amended Order Engrossed
03/14/2011	S: Amendment #1 (Taylor), prevailed; Division of the Senate: yeas 27, nays 23
03/15/2011	S: 3rd Reading Pass (39-10)
03/15/2011	S: Ret 1st House Amendments
04/20/2011	H: Ret 1st House Dissent

HB1295 Public works bidding procedures. ([Messmer](#))

Provides that specifications for public works projects must be written to encourage

free, open, and competitive bidding and must refrain from calling for unique or proprietary materials. Provides that a person who prepared, participated in the preparation of, or conferred any property on another person who prepared or participated in the preparation of the specifications for a public works project may not be awarded a contract for the public works project. Provides that if the attendance of a bidder at a prebid meeting or conference is a condition to the acceptance of a bid from that bidder, the date and time of the prebid meeting or conference must be published in the same fashion and for the same period as the board must advertise the date for receiving bids. Provides that the noncollusion affidavit submitted with a public works bid must be affirmed under the penalties for perjury and must affirm that the bidder did not violate the requirements for public works specifications. Provides that a person who has certain responsibilities relating to the award of a public works contract and who recklessly, knowingly, or intentionally solicits, accepts, or agrees to accept any property from another person in return for an agreement to: (1) purchase or recommend the purchase of the other person's supplies, materials, or services with respect to the public works project; (2) incorporate or recommend incorporation of the other person's supplies, materials, or services into specifications for the public works project; (3) award or recommend the award of the public works contract to that other person; or (4) recommend, promote, or endorse that person's supplies, materials, or services with respect to the public works project; commits a Class D felony. Provides that a person who recklessly, knowingly, or intentionally offers, gives, or agrees to give any property to a contract officer in return for doing any of these acts commits a Class D felony. Provides that a person who recklessly, knowingly, or intentionally solicits, accepts, or agrees to accept any property in return for an agreement not to bid or compete on a public works project or to participate in an arrangement to suppress or eliminate full and unrestricted competition for the award of a public works contract commits a Class D felony. Repeals a superseded statute. Makes other technical changes.

Date	Action
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01/12/2011	H: 1st Reading Assigned Employment, Labor and Pensions
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HB1309 *Public works projects cost thresholds.* (Truitt)

Provides that a political subdivision may perform a public works project using its own work force if the cost of the project is less than \$150,000 (under current law the threshold is \$100,000). Increases the cost threshold to at least one hundred fifty thousand dollars (\$150,000) at which bids are required under the local public works statute. Changes the cost threshold to at least \$50,000 and less than \$150,000 at which quotes are required under the local public works statute (current law provides different thresholds for various political subdivisions).

Date	Action
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01/13/2011	H: 1st Reading Assigned Employment, Labor and Pensions
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HB1358 *Offenses against business.* (Torr)

Provides that a person who, with the intent to damage or interfere with an employer's business or to persuade or attempt to persuade an employee to leave employment with an employer: (1) seeks or obtains employment; (2) conspires with another person

to seek or obtain employment; or (3) directs another person to seek or obtain employment; with the employer commits a Class A misdemeanor.

Date	Action
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01/18/2011 H: 1st Reading	Assigned Employment, Labor and Pensions
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HB1384 *Plumbing matters.* ([Niezgodski](#))

Requires the water pollution control board to adopt rules establishing testing requirements and procedures for backflow prevention devices contained in a customer service line. Requires continuing professional education for an Indiana registered cross-connection control inspector. Requires continuing professional education for journeyman plumbers. Establishes the cross-connection control inspector continuing education fund. Provides that the fund may be used to: (1) administer the cross-connection control inspector continuing education program; (2) provide registration cards to an Indiana registered cross-connection control inspector; and (3) maintain and update an Indiana registered cross-connection control inspector database. Provides that the water pollution control board may establish registration fees in an amount not to exceed: (1) \$50 for a new cross-connection control inspector; and (2) \$30 for a renewal cross-connection control inspector. Provides that the amount may not be more than is reasonably necessary to generate revenue sufficient to offset the costs incurred by the Indiana department of environmental management. Requires the water pollution control board to establish rules to require a cross-connection control inspector to indicate as to whether a commercial or residential, excluding agricultural, water distribution system contains moisture sensing technology by providing verification on the cross-connection control inspector's inspection report. Allows a plumber to renew a journeyman plumber's license by verifying compliance with professional education requirements on the license renewal application or by providing course documentation.

Date	Action
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01/18/2011 H: 1st Reading	Assigned Environmental Affairs
02/16/2011 H: Committee Action	Pass Amend(11-1) Environmental Affairs
02/17/2011 H: Committee Report	amend do pass, adopted
02/17/2011 H: Referred	Referred to Ways and Means

HB1400 *Roofing projects of political subdivisions.* ([Leonard](#))

Requires specifications for a roofing project of a political subdivision to be written to encourage free, open, and competitive bidding and refrain from calling for unique or proprietary materials.

Date	Action
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02/07/2011 H: Committee Report	do pass, adopted
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HB1428 *Tax credit for hiring unemployed persons.* ([Davisson](#))

Provides a nonrefundable \$750 tax credit per employee to a taxpayer that hires an

employee that has drawn unemployment funds in Indiana for at least the three previous months if the taxpayer employs the individual for at least 180 days during the taxable year. Provides that the credit is available only in years that the state unemployment rate is above 7.5 % sometime during that calendar year. Provides that the credit is reduced by any economic development for a growing economy tax credits attributable to the same employee, any Hoosier business investment tax credits attributable to the same employee, or the amount of federal or state training grants used in the taxable year to train the employee. Provides that the taxpayer may carry any excess credit over to not more than three subsequent taxable years.

Date	Action
01/18/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1457 *Clean energy improvement financing district.* ([Neese](#), [Zakas](#))

Requires the environmental quality service council ("council") to study the topic of clean energy improvement financing districts during the 2011 legislative interim. Requires the council to study and make recommendations concerning subordination of interests of lienholders.

Date	Action
01/20/2011	H: 1st Reading Assigned Local Government
02/17/2011	H: Committee Report amend do pass, adopted
02/21/2011	H: 2nd Reading Order Engrossed
03/28/2011	H: 3rd Reading Pass (98-0)
03/28/2011	H: Referred Referred to the Senate
03/29/2011	S: 1st Reading Assigned Energy and Environmental Affairs

HB1468 *Right to work.* ([Torr](#), [Kubacki](#), [Turner](#), [Noe](#))

Makes it a Class A misdemeanor for an employer to require an individual to: (1) become or remain a member of a labor organization; (2) pay dues, fees, or other charges to a labor organization; or (3) pay to a charity or another third party an amount that represents dues, fees, or other charges required of members of a labor organization; as a condition of employment or continuation of employment. Establishes a separate private right of action for violations or threatened violations. Exempts individuals employed in the construction industry, employed by the United States, or subject to the federal Railway Labor Act.

Date	Action
01/20/2011	H: 1st Reading Assigned Employment, Labor and Pensions
02/21/2011	H: Committee Action Pass(8-5) Employment, Labor and Pensions

HB1485 *Worker's compensation.* ([Lehman](#), [Boots](#))

Establishes the interim study committee (committee) on medical reimbursement of worker's compensation and sets topics of study for the committee. Requires the committee to operate under the policies governing study committees adopted by the legislative council.

Date	Action
01/20/2011	H: Author Added Matthew Lehman
01/20/2011	H: 1st Reading Assigned Employment, Labor and Pensions
02/15/2011	H: Committee Action Pass Amend(11-0) Employment, Labor and Pensions
02/17/2011	H: Committee Report amend do pass, adopted
03/28/2011	H: 2nd Reading Order Engrossed
03/28/2011	H: Amendment #1 (Riecken), withdrawn
03/30/2011	H: 3rd Reading Pass (93-0)
03/30/2011	H: Referred Referred to the Senate
03/31/2011	S: 1st Reading Assigned Pensions and Labor
04/13/2011	S: Committee Sched 9:00am Room 233 Pensions and Labor

HB1489 *Unemployment contribution rates.* ([Friend](#))

Delays from January 1, 2011, to January 1, 2012, changes in the taxable wage base and employer contribution rates for the unemployment compensation system.

Date	Action
01/20/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1512 *Unemployment insurance.* ([Friend](#))

Repeals the changes made to the unemployment insurance law by HEA 1379-2009 (P.L.175-2009) and SEA 23-2010 (P.L.110-2010).

Date	Action
01/20/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1542 *Public work projects.* ([Speedy](#))

Authorizes a board to enter into a construction management at risk agreement for a public works project for which the cost will be at least \$25,000,000.

Date	Action
01/20/2011	H: 1st Reading Assigned Employment, Labor and Pensions

HB1561 *Conditions for receiving unemployment benefits.* ([McMillin](#))

Requires that an individual must submit at least one application for work in each week for which the individual is claiming benefits. Specifies that an individual who submits an application for work online through an Internet web site complies with this requirement. Requires, as a condition for receiving an unemployment insurance benefit each week after the fourth benefit week, that an unemployed individual must be available to perform, and perform if requested by the department of workforce development, community service for a qualified entity. Provides that the maximum number of hours of community service increases as follows: for the 5th through 12th benefit weeks, 10 hours; for the 13th through 24th benefit weeks, 20 hours; and for the 25th and later benefit weeks, 40 hours. Provides that a qualified entity may not replace employees with unemployed individuals performing community service.

<u>Date</u>	<u>Action</u>
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01/20/2011 H: 1st Reading	Assigned Employment, Labor and Pensions
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HB1574 *Little Calumet River basin development commission.* ([Soliday](#))

Requires the Little Calumet River basin development commission to levy a special assessment on parcels of land within certain areas of the Little Calumet River and Burns Waterway watershed. Provides that money collected may be used only for expenses directly related to the operation, repair, and maintenance of flood protection systems within the watershed. Deposits money collected by the assessment into a segregated account within the Little Calumet River project development fund. Provides that if the amount in the account exceeds \$12 million the assessment may not be collected for 12 months and until the amount in the segregated account is less than \$7 million. Provides for the transfer of \$300 thousand dollars to the Indiana regional development authority if the balance in the segregated account is less than \$7 million. Provides for the transfer of \$900 thousand dollars to the Indiana regional development authority if the balance in the segregated account is equal to or exceeds \$7 million. Repeals and moves definition of "political subdivision".

<u>Date</u>	<u>Action</u>
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01/20/2011 H: 1st Reading	Assigned Natural Resources
02/09/2011 H: Committee Action	Pass Amend(8-1) Natural Resources
02/10/2011 H: Committee Report	amend do pass, adopted
02/17/2011 H: 2nd Reading	Amended Order Engrossed
02/17/2011 H: Amendment	#1 (Soliday), prevailed; voice vote
02/21/2011 H: 3rd Reading	Call withdrawn

SB 41 *Gary riverboats.* ([Rogers](#), [Charbonneau](#))

Permits a licensed owner who operates a riverboat in Gary to submit to the gaming commission a plan for the construction of an inland casino. Provides that not more than one riverboat gambling operation may be relocated. Makes conforming changes.

Removes obsolete provisions concerning the original riverboat licensing process.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Public Policy
02/16/2011	S: Committee Sched 1:30pm Room 431 Public Policy

SB 72 Carbon dioxide pipelines and eminent domain. ([Gard](#), [Charbonneau](#))

(See Senate Bill 251)

Establishes 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. Requires the department of natural resources to deposit the fees collected in the oil and gas environmental fund. Allows oil and gas environmental fund purpose to include pipeline safety. Requires a carbon monoxide source to have a production facility in Indiana. Limits a pipeline company to exercising the power of eminent domain only for right of way or easement purposes. Allows one hundred eighty (180) days to provide information to the department of natural resources about the actual route of the carbon dioxide pipeline.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Energy and Environmental Affairs
01/31/2011	S: Committee Action Pass Amend(6-1) Energy and Environmental Affairs
02/03/2011	S: Committee Report amend do pass, adopted
02/07/2011	S: 2nd Reading Order Engrossed
02/08/2011	S: 3rd Reading Defeat (21-28)

SB 100 Actions based on exposure to hazardous substances. ([Lanane](#))

Provides statutes of limitations for causes of action for occupational disease, deficiencies in the design, planning, supervision, construction, or observation of construction of an improvement to real property, and product liability when the cause of action is based on an exposure to a hazardous substance. Provides for a one year period, ending July 1, 2012, to file an otherwise time-barred cause of action based on an exposure to a hazardous substance.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters

SB 102 Utility recovery of federally mandated costs. ([Gard](#), [Hume](#))
(See SB 251)

Requires the Indiana utility regulatory commission to allow an energy utility to recover

certain federally mandated costs through periodic retail rate adjustment mechanisms.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Utilities & Technology
01/20/2011	S: Committee Action Pass Amend(6-3) Utilities & Technology
01/24/2011	S: Committee Report amend do pass, adopted

SB 131 *Possession of firearms at petroleum refineries.* ([Randolph](#))

Allows an employer to prohibit an employee from possessing a firearm or ammunition on property that contains a petroleum refinery.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Corrections, Criminal, and Civil Matters

SB 162 *Enforcement of wage requirements.* ([Mrvan](#))

Increases the penalties imposed on an employer whose violation of the state common construction wage law or minimum wage law involves an employee who is an illegal alien. Provides that a determination by a federal immigration agency that an alien has come to, entered, or remained in the United States in violation of law creates a rebuttable presumption that the alien is in the United States in violation of law.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Pensions and Labor

SB 164 *False statements to state agencies.* ([Mrvan](#))

Provides that an employee who knowingly or intentionally makes a false statement of independent contractor status to the department of state revenue commits a Class D felony. Provides that an employer or employee shall not classify an employee as an independent contractor for the sole or primary purpose of avoiding the worker's compensation law, and that a violation is a Class A infraction. Provides that a person who makes a false representation that an employee is an independent contractor for the purpose of avoiding the unemployment compensation law commits a Class C misdemeanor. Makes technical corrections. Makes conforming amendments.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Pensions and Labor

SB 227 *Licensure of heating and cooling industry.* ([Miller](#))

Establishes: (1) the heating and cooling contractor licensing board; and (2) licensing

requirements for heating and cooling contractors.

<u>Date</u>	<u>Action</u>
01/05/2011	S: 1st Reading Assigned Commerce & Economic Development

SB 232 *Public mass transportation fund.* ([Merritt](#))

Provides that distributions from the public mass transportation fund for promoting and developing public mass transportation in a county containing a consolidated city must be distributed to the consolidated city and not to a public transportation corporation located within the county.

<u>Date</u>	<u>Action</u>
01/06/2011	S: 1st Reading Referred to Committee on Homeland Security, Transportation and Veterans Affairs

SB 243 *Common construction wage on school projects.* ([Kruse](#))

From July 1, 2011, to June 30, 2015, exempts contractors awarded construction contracts by school corporations from the requirement of paying laborers at least the common construction wage.

<u>Date</u>	<u>Action</u>
01/06/2011	S: 1st Reading Assigned Pensions and Labor

SB 314 *Guaranteed energy saving contracts.* ([Head](#))

Provides that stipulated savings at the beginning of a guaranteed energy savings contract may not be used in determining whether the guaranteed savings are achieved for purposes of calculating guarantee payments by the contractor at the end of the contract. Provides that savings in costs for replacing equipment that would have otherwise had to be replaced during the contract may not be considered savings in determining whether the guaranteed savings are achieved.

<u>Date</u>	<u>Action</u>
01/10/2011	S: 1st Reading Assigned Energy and Environmental Affairs

SB 323 *School referendum levy.* ([Kruse](#), [Banks](#), [Heuer](#))

Removes the county fiscal body from the school referendum levy process. Provides that the county fiscal body is not required to certify the referendum question. Requires the language of the question for a school referendum tax levy to be approved by the department of local government finance before it may be certified to the circuit court clerk. Repeals a superseded provision.

Date	Action
01/10/2011	S: 1st Reading Assigned Appropriations
01/20/2011	S: Committee Report amend do pass, adopted
01/21/2011	S: Committee Action Pass Amend(12-0) Appropriations
01/24/2011	S: 2nd Reading Amended Order Engrossed
01/24/2011	S: Amendment #1 (Banks), prevailed;
01/25/2011	S: 3rd Reading Return to 2nd Reading
01/27/2011	S: 2nd Reading Amended Order Engrossed
01/27/2011	S: Amendment #2 (Banks), prevailed;
01/31/2011	S: 3rd Reading Pass (47-2)
01/31/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Ways and Means

SB 333 *Bans Project Labor Agreements (PLAs) on Public works projects.* (Walker)

Provides that the plans, specifications, and contract documents for a public works project may not require bidders, contractors, or subcontractors to enter into or comply with certain agreements with labor organizations. Provides a cause of action to challenge the award of a contract that violates these provisions.

Date	Action
01/11/2011	S: 1st Reading Assigned Pensions and Labor
01/27/2011	S: Committee Report do pass, adopted
01/31/2011	S: 2nd Reading Order Engrossed
02/07/2011	S: 3rd Reading Return to 2nd Reading

SB 335 *Public work projects.* (Merritt)

Authorizes a board to enter into a construction management at risk agreement for a public work project for which the cost will be at least \$25,000,000.

Date	Action
01/11/2011	S: 1st Reading Assigned Local Government

SB 339 *Regional development authorities.* (Kruse, Banks)

Provides that if a county or a municipality becomes a member of a regional development authority (other than the northwest Indiana regional development authority) after June 30, 2011, and before July 1, 2013, the amount of money that must be transferred annually by the county or municipality is equal to the amount that would be distributed to the county or the municipality from a county economic development income tax rate of 0.025%.

Date **Action**

01/11/2011 **S: 1st Reading** Assigned [Tax and Fiscal Policy](#)

SB 345 ***Unemployment insurance bonds.*** ([Tallian](#))

Provides for the issuance of bonds to return advances received from the federal unemployment trust fund before July 1, 2011. Grants the Indiana finance authority the power to issue the bonds and to administer the obligation trust fund. Provides that an assessment to retire the bonds requires a separate act by the general assembly after a determination is made that the bonds may be issued.

Date **Action**

01/11/2011 **S: 1st Reading** Assigned [Tax and Fiscal Policy](#)

SB 369 ***State contracts.*** ([Mrvan](#), [Rogers](#))

Provides that contracts for public works projects may not be awarded to a contractor that does not: (1) employ residents of Indiana as at least 80% of the employees working on the contract; and (2) enter into subcontracts only with subcontractors that employ residents of Indiana as at least 80% of the employees working on the contract. Provides that if a contract is being paid for with federal funds and the requirement that 80% of the employees must be residents of Indiana causes the loss of the federal funds as determined by the federal agency providing the funds, the use of 80% residents is a goal and not a requirement. Applies this restriction to contracts entered into by the public works division of the department of administration, any state agency or commission entering into a public works contract, the commission governing the ports of Indiana, and the department of transportation. Requires the commissioner of the department of administration to prepare an annual report for the public and the legislative council stating, for the contractors awarded public works contracts by the state and the subcontractors with which these contractors entered into subcontracts, the percentage of the contractors' and subcontractors' employees working on the public works contracts who are residents of Indiana.

Date **Action**

01/11/2011 **S: 1st Reading** Assigned [Commerce & Economic Development](#)

SB 384 ***Local referenda and petition and remonstrances.*** ([Charbonneau](#), [Head](#), [Noe](#))

Provides that the ballot language for a capital project referendum must first be approved by the department of local government finance (DLGF). (Under current law, the DLGF makes recommendations concerning the ballot language.) Provides that the language of a school referendum levy question to be submitted to voters must first be approved by the DLGF. Provides that if a referendum levy is approved by the voters in a school corporation in a calendar year, another referendum levy question may not be placed on the ballot in the school corporation in the following calendar year. Provides that if a school corporation imposes a referendum levy approved in a referendum, the school corporation may not simultaneously impose more than one

additional referendum levy approved in a subsequent referendum. Provides that advocacy or discussion by certain officials concerning a petition and remonstrance or referendum is allowed and is not considered a use of public funds. Provides that during the period beginning with the adoption of a resolution by a school corporation to place a school levy referendum question on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by taking certain actions. Specifies that a person or an organization that has a contract or arrangement with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on a referendum.

Date	Action
01/11/2011	S: 1st Reading Assigned Appropriations
02/03/2011	S: Committee Report amend do pass, adopted
02/03/2011	S: Committee Action Pass Amend(10-0) Appropriations
02/07/2011	S: 2nd Reading Order Engrossed
02/10/2011	S: 3rd Reading Pass (49-0)
02/10/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Ways and Means

SB 395 *Employee's right to work. (Yoder)*

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

Date	Action
01/11/2011	S: 1st Reading Assigned Pensions and Labor

SB 410 *Transfers from school capital projects fund. (Simpson, Arnold)*

Permits a school corporation to transfer in 2011 and 2012 an amount not to exceed 50% of its capital projects fund levy from its capital projects fund to its general fund.

Date	Action
01/11/2011	S: 1st Reading Assigned Appropriations

SB 441 *Public works projects cost thresholds. (Hershman, Truitt)*

Increases the cost of projects that the department of natural resources may perform without awarding a public works contract from \$75,000 to \$150,000. Increases the cost of projects that some political subdivisions may perform without awarding a public works contract from \$100,000 to \$150,000. Requires that the public works division include as part of a public works contract provisions for retaining parts of

certain payments if the estimated cost of the public works project is more than \$1,000,000. (Current law requires the provisions to be included if the estimated cost of the public works project is more than \$150,000.) Specifies notice and public meeting requirements that must be satisfied before a public works project with an estimated cost of more than \$100,000 may be performed by the workforce of a municipality, county, state agency, or state educational institution. Adds requirements for examination reports prepared by the state board of accounts concerning public work projects performed by the workforce of a municipality, county, state agency, or state educational institution. Provides that a state higher educational institution can maintain or repair a building without awarding a contract if the estimated cost of the project is less than \$200,000. Allows Purdue University, on agricultural or forestry land used by it for educational or research purposes, award contracts without advertising for bids if the cost of work is estimated to be less than \$200,000 (instead of \$50,000). Allows a board of aviation commissioners or an airport authority board to perform public work using their own workforce if the project is estimated to cost less than \$150,000 (instead of less than \$50,000).

Date	Action
01/12/2011	S: 1st Reading Assigned Local Government
02/09/2011	S: Committee Action Pass Amend(9-0) Local Government
02/10/2011	S: Committee Report amend do pass, adopted
02/17/2011	S: 2nd Reading Amended Order Engrossed
02/17/2011	S: Amendment #1 (Hershman), prevailed;
02/17/2011	S: Amendment #2 (Hershman), prevailed;
02/17/2011	S: Amendment #3 (Hershman), prevailed;
02/22/2011	S: 3rd Reading Pass (46-2)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Employment, Labor and Pensions

SB 443 *River Ridge Commerce Corridor.* ([Grooms](#))
(See HB 1265)

Establishes the River Ridge Commerce Corridor for the area that is adjacent to the segment of State Road 62 between Interstate Highway 265 and State Road 3 or adjacent to the rail line that is parallel to that segment of State Road 62. Assigns certain duties concerning the corridor to the Indiana department of transportation, the Indiana economic development corporation, and the office of community and rural affairs. Requires the Indiana department of transportation to designate the segment of State Road 62 from Interstate Highway 265 to State Road 3 as an extra heavy duty highway before the East End Ohio River Bridge linking Charlestown, Indiana, to the eastern suburbs of Louisville, Kentucky, is completed and open to traffic.

Date	Action
01/12/2011	S: 1st I Referred to Committee on Homeland Security, Transportation and Veterans Affairs

SB 542 *Wage assignments.* ([Schneider](#))

Provides that a state employee may not make a wage assignment for the purpose of making a contribution or payment to be used for political activities. Removes a provision that allows an employee to make a wage assignment to pay dues to a labor organization to which the employee belongs. Repeals a provision that requires a school employer to deduct from a school employee's pay, and remit to a school employee organization, dues for the school employee organization.

Date	Action
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01/20/2011	S: 1st Reading Assigned Pensions and Labor
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SB 557 *Renewable energy.* ([Hershman](#))

Requires the utility regulatory commission (IURC) to consider in the rate base of a public utility that complies with certain renewable energy standards (RES) 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. Changes the term "clean coal and energy projects" to "clean energy projects" to allow the term to include low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facilities. Provides that: (1) low carbon dioxide emitting or noncarbon dioxide emitting energy production or generating facilities; and (2) purchases of energy produced by such facilities; qualify for the financial incentives available for clean energy projects. Provides that a combined heat and power facility qualifies as a renewable energy resource for purposes of the statute that provides financial incentives for clean energy projects. Provides that an eligible business may recover qualified utility system expenses, which include specified preconstruction costs, associated with a: (1) new energy production or generating facility; or (2) low carbon dioxide emitting or non-carbon dioxide emitting energy production or generating facility.

Date	Action
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01/20/2011	S: 1st Reading Assigned Utilities & Technology
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SB 573 *Construction industry employer-union agreements.* ([Tallian](#))

Provides that a construction industry employer may enter into an agreement with a union or other labor organization that represents the employer's workers to allow the union or other labor organization to become the employer of the union's or other labor organization's members only for purposes of unemployment insurance. Permits the employer and the union or other labor organization to negotiate as a term of the agreement the amount that the employer pays for unemployment insurance coverage. Establishes an initial employer contribution rate for a union or other labor organization that has entered into an agreement. Provides that an individual whose union or other labor organization is the individual's employer for purposes of unemployment insurance is automatically entitled to a work search waiver.

Date	Action
01/20/2011	S: 1st Reading Assigned Pensions and Labor

SB 584 *Local Indiana business preference.* ([Paul](#), [Saunders](#))

Provides a price preference to local Indiana businesses bidding on purchasing and public works contracts awarded by political subdivisions.

Date	Action
01/20/2011	S: 1st Reading Assigned Commerce & Economic Development
02/14/2011	S: Committee Action Pass Amend(8-0) Commerce & Economic Development
02/15/2011	S: Committee Report amend do pass, adopted
02/17/2011	S: 2nd Reading Order Engrossed
02/22/2011	S: 3rd Reading Pass (47-1)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Government and Regulatory Reform

SB0589 *Economic development and state tax matters.* ([Hershman](#), [Charbonneau](#), [Turner](#))

Makes the following changes to economic development programs and tax provisions: (1) Makes the economic development study committee a four year committee that expires December 31, 2014, and provides for certain studies. (2) Requires the Indiana economic development corporation (IEDC) to collaborate with local economic development organizations and submit an annual report to the study committee regarding collaboration. (3) Requires the state board of education, the commission for higher education, and the department of workforce development to work together to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force. (4) Requires the IEDC to conduct a statewide study to determine specific economic sectors that should be emphasized by the state and by local economic development organizations within geographic regions in Indiana. (5) Provides that a claim for a sales tax refund must be filed within 18 months if the claim is based on the predominant use of electrical energy, natural or artificial gas, water, steam, and steam heat by certain businesses or based on the sales tax exemption for these services or commodities. (6) Decreases the corporate income tax rate from 8.5% to 6.5% over four years. (7) Provides that the adjusted gross income tax and financial institutions tax (for credit unions and investment companies) apply to interest on state and local bonds that are issued by a state other than Indiana or issued by a political subdivision of such a state. (8) Revises the attribution rules applicable to business income and sales receipts from certain intangibles under the adjusted gross income tax. (9) Eliminates the carry back of net operating losses under the adjusted gross income tax. (10) Extends the time in which a person must file an amended Indiana adjusted gross income tax return to reflect modifications made in a federal income tax return. (11) Prohibits the department of state revenue from taking an action to collect a protested listed tax until the later of the time to file a tax appeal has expired or a final decision is

made in a tax appeal. (12) Requires higher education institutions to expand technology and innovation commercialization programs. (13) Provides that in the case of a county that becomes a member of a regional development authority (other than the northwest Indiana regional development authority) after June 30, 2011, and before July 1, 2013, the county may impose an additional county economic development income tax at a rate of 0.025% (rather than 0.05%, under current law). (14) Removes outdated individual income tax adjustments. (15) Requires a study of ways to reduce fraud and abuse of the Indiana earned income tax credit and all aspects of phasing out the state inheritance tax. (16) Allows counties that are more than two years behind on issuing tax bills to petition the department of local government finance to postpone the deadline for paying the first installment on a 2011 provisional property tax statement. (17) Provides that the tobacco products tax on moist snuff is based on the weight of the moist snuff and calculated at the rate of \$0.38 per ounce. (18) Extends the time in which the city of Marion or a second class may establish a professional sports development area. (19) Permits a person who received an overpayment of unemployment compensation to repay the excess over 36 months. (20) Eliminates provisions requiring certain projects in a community revitalization enhancement district be approved by an advisory commission.

Date	Action
01/20/2011	S: 1st Reading Assigned Tax and Fiscal Policy
02/15/2011	S: Committee Action Pass Amend(8-2) Tax and Fiscal Policy
02/17/2011	S: Committee Report amend do pass, adopted
02/21/2011	S: 2nd Reading Amended Order Engrossed
02/21/2011	S: Amendment #9 (Hershman), prevailed;
02/21/2011	S: Amendment #10 (Hershman), prevailed;
02/22/2011	S: 3rd Reading Pass (39-10)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Ways and Means
04/13/2011	H: Committee Report amend do pass, adopted
04/13/2011	H: Committee Action Pass Amend(18-4) Ways and Means
04/20/2011	H: 2nd Reading Amended Order Engrossed
04/20/2011	H: Amendment #15 (Turner), withdrawn
04/20/2011	H: Amendment #14 (Turner), prevailed; (62-30)
04/20/2011	H: Amendment #12 (Turner), prevailed; voice vote
04/20/2011	H: Amendment #2 (Goodin), prevailed; (89-0)
04/20/2011	H: Amendment #20 (Tyler), prevailed; (93-0)
04/21/2011	H: 3rd Reading Pass (62-34)
04/21/2011	H: Ret 1st House Amendments
04/25/2011	S: Ret 1st House Dissent
04/27/2011	: Conf Comm Sched 9:00am Room 431

SJR 10 **Elections by secret ballot.** (Yoder, Banks, Ubelhor)
(See HB 1203)

Adds a new section to the Constitution of the State of Indiana to provide that if any Indiana or federal law requires or permits an election for any designation or authorization of employee representation, the right of any individual to vote by secret ballot in any such election is guaranteed. Provides that all elections by the people shall be by secret ballot.

Date	Action
01/05/2011	S: 1st Reading Assigned Pensions and Labor
02/17/2011	S: Committee Report do pass, adopted
02/21/2011	S: 2nd Reading Order Engrossed
02/22/2011	S: 3rd Reading Pass (32-16)
02/22/2011	S: Referred Referred to the House
03/28/2011	H: 1st Reading Assigned Employment, Labor and Pensions