

# SENATE BILL No. 364

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-1.1-7.

**Synopsis:** Regulatory impact matters. Requires the legislative services agency to determine whether a bill may impose a regulatory requirement on businesses and individuals, and, if so, include a statement in the fiscal analysis that the bill may impose a regulatory requirement on businesses and individuals. Requires the small business ombudsman, in coordination with the office of management and budget and the department of workforce development, to submit: (1) an executive summary summarizing each state agency that may issue a license, and each of the specific license types that may be issued by each state agency; (2) an executive summary concerning the comparative advantages of regions across the state and strategies to promote small businesses and entrepreneurship; and (3) an executive summary with recommendations on regulatory oversight. Requires the Indiana professional licensing agency to prepare an executive summary concerning the portability and reciprocity of Indiana occupational licenses relative to other states. Requires the Indiana department of education to prepare an executive summary concerning portability and reciprocity of Indiana licenses relative to other states.

**Effective:** Upon passage; July 1, 2020.

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**Spartz**

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January 13, 2020, read first time and referred to Committee on Commerce and Technology.

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Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

# SENATE BILL No. 364

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 2-5-1.1-7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7. (a) The council shall  
3 maintain a bipartisan service and administrative agency for the general  
4 assembly to assist it in the performance of its constitutional  
5 responsibilities as a separate and independent legislative branch of  
6 state government. The service and administrative agency shall be  
7 known as the "Legislative Services Agency".  
8 (b) In maintaining the legislative services agency the council shall:  
9 (1) establish the qualifications for and employ such personnel as  
10 are required to carry out the purposes and provisions of this  
11 chapter;  
12 (2) employ an executive director, to be charged with the  
13 administrative responsibility of all offices, departments, or  
14 divisions which the council may from time to time establish, and  
15 to serve as chief executive under the council;  
16 (3) adopt rules and regulations governing personnel practices and  
17 establishing the rights, privileges, powers, and duties of all



- 1 employees;
- 2 (4) provide for employees to be covered by the public employees'
- 3 retirement fund; and
- 4 (5) establish a pay scale for all employees including the executive
- 5 director.
- 6 Rules and regulations adopted by the council under subdivision (3) are
- 7 not subject to IC 4-22-2. In those rules and regulations, the council may
- 8 limit the political activity of legislative services agency employees.
- 9 (c) The executive director is entitled to serve as long as he properly
- 10 performs his duties, but he may be removed at any time upon the
- 11 affirmative vote of twelve (12) members of the council.
- 12 (d) The executive director may submit to the council such reports
- 13 and drafts of resolutions, budgets, and appropriation bills as may be
- 14 required for the efficient operation of the council's activities and
- 15 programs.
- 16 (e) The legislative services agency shall perform such bill drafting,
- 17 research, code revision, fiscal, budgetary, and management analysis,
- 18 information, administrative, and other services as are requested by the
- 19 council.
- 20 **(f) The legislative services agency shall, as part of the fiscal and**
- 21 **management analysis of a bill for a regular session of the general**
- 22 **assembly, determine whether the bill may impose a regulatory**
- 23 **requirement on businesses and individuals if enacted. If the**
- 24 **legislative services agency determines that the bill may impose a**
- 25 **regulatory requirement on businesses and individuals if enacted,**
- 26 **the legislative services agency shall include a statement in the fiscal**
- 27 **analysis that the bill may impose a regulatory requirement with**
- 28 **potential economic and regulatory costs on businesses and**
- 29 **individuals.**
- 30 SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this
- 31 SECTION, "agency" means an authority, board, branch,
- 32 commission, committee, department, division, or other
- 33 instrumentality of the executive, including the administrative,
- 34 department of state government. The term "state agency" does not
- 35 include the judicial or legislative departments of state government,
- 36 nor does that term include a state educational institution.
- 37 (b) As used in this SECTION, "license" means a franchise,
- 38 permit, certification, approval, registration, charter, or similar
- 39 form of authorization required by law that is issued by an agency.
- 40 (c) As used in this SECTION, "small business ombudsman"
- 41 refers to the small business ombudsman designated under
- 42 IC 5-28-17-6.



1           (d) Not later than November 1, 2020, the small business  
2 ombudsman, in coordination with the office of management and  
3 budget and the department of workforce development, shall submit  
4 to the legislative council and the interim committee on commerce  
5 and economic development established by IC 2-5-1.3-4 each of the  
6 following in an electronic format under IC 5-14-6:

7           (1) An executive summary listing each state agency that may  
8 issue a license, and each of the specific license types that may  
9 be issued by each state agency.

10          (2) An executive summary with an overview of regions across  
11 the state and any implemented strategies intended to enhance  
12 comparative advantages of the regions across the state and  
13 promote small businesses and entrepreneurship, and any  
14 outcomes achieved by any implemented strategies.

15          (3) An executive summary with recommendations, if any, for  
16 streamlining regulatory oversight, eliminating barriers of  
17 entry for small businesses, and promoting a competitive  
18 business climate, innovation, and the least restrictive  
19 regulatory environment.

20          (e) In preparing the executive summary described in subsection  
21 (c)(3), the small business ombudsman shall consider the following  
22 list of regulatory options ordered from least restrictive to most  
23 restrictive:

24          (1) Market competition.

25          (2) Third party or consumer created ratings and reviews.

26          (3) Private certification.

27          (4) Voluntary bonding or insurance.

28          (5) Specific private civil cause of action to remedy consumer  
29 harm.

30          (6) Prohibition of deceptive trade practices.

31          (7) Mandatory disclosure of attributes of specific goods or  
32 services.

33          (8) Regulating the process of providing specific goods or  
34 services.

35          (9) Government inspection.

36          (10) Required bonding.

37          (11) Required insurance.

38          (12) Required registration.

39          (13) Government certification.

40          (14) Specialty occupational license for medical reimbursement  
41 that allows an individual to qualify for payment or  
42 reimbursement from a government agency for the



- 1 nonexclusive provision of medical services based on the  
 2 individual meeting certain qualifications.  
 3 **(15) Required occupational license.**  
 4 **(f) This SECTION expires June 30, 2022.**  
 5 SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this  
 6 SECTION, "license" means:  
 7 (1) an unlimited license, certificate, registration, or permit;  
 8 (2) a limited or probationary license, certificate, registration,  
 9 or permit;  
 10 (3) a temporary license, certificate, registration, or permit;  
 11 (4) an intern permit; or  
 12 (5) a provisional license;  
 13 issued by a board regulating a profession or an occupation under  
 14 IC 25.  
 15 (b) Not later than November 1, 2020, the Indiana professional  
 16 licensing agency, in coordination with the department of workforce  
 17 development and the small business ombudsman designated under  
 18 IC 5-28-17-6, shall submit to:  
 19 (1) the legislative council; and  
 20 (2) the interim committee on commerce and economic  
 21 development established by IC 2-5-1.3-4;  
 22 an executive summary, and any recommendations, concerning the  
 23 portability and reciprocity of Indiana occupational licenses relative  
 24 to other states. The executive summary must be submitted in an  
 25 electronic format under IC 5-14-6.  
 26 (c) This SECTION expires June 30, 2022.  
 27 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this  
 28 SECTION, "license" has the meaning set forth in IC 20-28-1-7.  
 29 (b) Not later than November 1, 2020, the Indiana department of  
 30 education, in coordination with the department of workforce  
 31 development and the small business ombudsman designated under  
 32 IC 5-28-17-6, shall submit to:  
 33 (1) the legislative council; and  
 34 (2) the interim committee on commerce and economic  
 35 development established by IC 2-5-1.3-4;  
 36 an executive summary, and any recommendations, concerning  
 37 portability and reciprocity of Indiana licenses relative to other  
 38 states. The executive summary must be submitted in an electronic  
 39 format under IC 5-14-6.  
 40 (c) This SECTION expires June 30, 2022.  
 41 SECTION 5. An emergency is declared for this act.

