



January 31, 2020

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## SENATE BILL No. 364

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DIGEST OF SB 364 (Updated January 30, 2020 12:38 pm - DI 119)

**Citations Affected:** IC 2-5; noncode.

**Synopsis:** Regulatory impact matters. Provides that, as part of the fiscal and management analysis of a bill, the legislative services agency shall indicate in the statement of fiscal impact prepared for the bill whether the bill includes one or more specified regulations affecting businesses. Requires the small business ombudsman, in coordination with the Indiana economic development corporation, the office of management and budget, and the department of workforce development (DWD), to submit: (1) an executive summary listing 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 regarding regulatory oversight. Requires the Indiana professional licensing agency (IPLA) to prepare an executive summary concerning the portability and reciprocity of Indiana occupational licenses relative to other states. Requires the department of education (DOE), in coordination with the commission for higher education (CHE), to  
(Continued next page)

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

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### Spartz, Houchin, Leising

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January 13, 2020, read first time and referred to Committee on Commerce and Technology.  
January 30, 2020, amended, reported favorably — Do Pass.

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Digest Continued

submit to the legislative council and the interim committee on commerce and economic development: (1) a report concerning the portability and reciprocity of Indiana teaching licenses relative to other states; and (2) an executive summary, and any recommendations, concerning portability and reciprocity of Indiana teaching licenses relative to other states. Requires the IPLA to: (1) identify bills enacted in the 2020 and 2021 legislative sessions that affect the portability and reciprocity of Indiana licenses relative to other states; and (2) issue to: (A) the legislative council; and (B) the interim committee on commerce and economic development; a report concerning the effect of the bills on the portability and reciprocity of Indiana licenses relative to other states. Requires the Indiana state board of education (state board), in consultation with the DOE, to issue an executive summary during the 2020 and 2021 legislative interims regarding: (1) guidance issued by the state board and by the DOE; (2) administrative rules proposed, adopted, amended, or repealed by the state board and by the DOE; and (3) executive orders and directives pertaining to K-12 education; in 2020 and 2021. Requires the CHE, in collaboration with the governor's workforce cabinet (GWC) and the DWD, to issue an executive summary during the 2020 and 2021 legislative interims regarding: (1) guidance issued by the CHE, by the GWC, and by the DWD; (2) administrative rules proposed, adopted, amended, or repealed by the CHE, by the GWC, and by the DWD; and (3) executive orders and directives pertaining to postsecondary education; in 2020 and 2021. Urges the legislative council to assign to an appropriate interim study committee the topic of relocation and talent incentives, and specifies issues the study must encompass.



January 31, 2020

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

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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

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- 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) As used in this subsection, "regulation affecting businesses"**
- 21 **means any of the following:**
- 22 **(1) Creation of a specific private civil cause of action to**
- 23 **remedy consumer harm.**
- 24 **(2) Classification of an act or practice as a deceptive act that**
- 25 **is actionable under IC 8-1-29.**
- 26 **(3) Imposition of a requirement for submission of information**
- 27 **to a state or local government regarding a specific good or**
- 28 **service.**
- 29 **(4) Imposition of a requirement for professional certification,**
- 30 **licensing, or registration.**
- 31 **(5) Imposition of a requirement for government inspection.**
- 32 **(6) Imposition of a bonding requirement for a specific**
- 33 **commercial activity.**
- 34 **(7) Imposition of a requirement for maintenance of insurance**
- 35 **coverage.**
- 36 **As part of the statement of fiscal impact prepared for a bill during**
- 37 **a regular session of the general assembly, the legislative services**
- 38 **agency shall indicate, in a form approved by the legislative council,**
- 39 **whether the bill includes any regulation affecting businesses.**
- 40 SECTION 2. [EFFECTIVE UPON PASSAGE] **(a) As used in this**
- 41 **SECTION, "agency" means an authority, board, branch,**
- 42 **commission, committee, department, division, or other**



1 instrumentality of the executive, including the administrative,  
2 department of state government. The term "state agency" does not  
3 include the judicial or legislative departments of state government,  
4 nor does that term include a state educational institution.

5 (b) As used in this SECTION, "license" means a franchise,  
6 permit, certification, approval, registration, charter, or similar  
7 form of authorization required by law that is issued by an agency.

8 (c) As used in this SECTION, "small business ombudsman"  
9 refers to the small business ombudsman designated under  
10 IC 5-28-17-6.

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

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

21 (2) An executive summary with an overview of regions across  
22 the state and any implemented strategies intended to enhance  
23 comparative advantages of the regions across the state and  
24 promote small businesses and entrepreneurship, and any  
25 outcomes achieved by any implemented strategies.

26 (3) An executive summary with recommendations, if any, for  
27 streamlining regulatory oversight and sunset review  
28 framework, eliminating barriers of entry for small businesses,  
29 and promoting a competitive business climate, innovation,  
30 and the least restrictive regulatory environment.

31 (e) In preparing the executive summary described in subsection  
32 (d)(3), the small business ombudsman may consider the following  
33 list of regulatory options ordered from least restrictive to most  
34 restrictive:

35 (1) Market competition.

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

37 (3) Private certification.

38 (4) Voluntary bonding or insurance.

39 (5) Specific private civil cause of action to remedy consumer  
40 harm.

41 (6) Prohibition of deceptive trade practices.

42 (7) Mandatory disclosure of attributes of specific goods or



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



1 committee on commerce and economic development established by  
2 IC 2-5-1.3-4:

- 3 (1) a report concerning the portability and reciprocity of  
4 Indiana licenses relative to other states; and  
5 (2) an executive summary, and any recommendations,  
6 concerning portability and reciprocity of Indiana licenses  
7 relative to other states.

8 The report and the executive summary must be submitted in an  
9 electronic format under IC 5-14-6.

10 (c) During the 2020 and 2021 legislative interims, the Indiana  
11 professional licensing agency shall:

- 12 (1) identify bills enacted in the immediately preceding  
13 legislative session that affect the portability and reciprocity of  
14 Indiana licenses relative to other states; and  
15 (2) issue to:

16 (A) the legislative council; and

17 (B) the interim committee on commerce and economic  
18 development established by IC 2-5-1.3-4;

19 a report concerning the effect of the bills on the portability  
20 and reciprocity of Indiana licenses relative to other states. The  
21 report concerning bills enacted in the 2020 legislative session  
22 must be issued not later than November 1, 2020, and the  
23 report concerning bills enacted in the 2021 legislative session  
24 must be issued not later than November 1, 2021. Each report  
25 must be submitted in an electronic format under IC 5-14-6.

26 (d) This SECTION expires June 30, 2022.

27 SECTION 5. [EFFECTIVE UPON PASSAGE] (a) During the 2020  
28 and 2021 legislative interims, the Indiana state board of education,  
29 in consultation with the department of education, shall submit an  
30 executive summary report to the legislative council, to each  
31 member of the senate and house of representatives standing  
32 education committees, and to each member of the senate commerce  
33 and technology committee. The executive summary report must  
34 include the following:

35 (1) All guidance issued by the Indiana state board of  
36 education and the department of education in the twelve (12)  
37 months preceding the date of the report.

38 (2) All administrative rules proposed, adopted, amended, or  
39 repealed by the Indiana state board of education or the  
40 department of education in the twelve (12) months preceding  
41 the date of the report.

42 (3) All executive orders or directives relevant to kindergarten



1 through grade 12 education in Indiana in the twelve (12)  
2 months preceding the date of the report.

3 The report submitted during the 2020 legislative interim must be  
4 submitted not later than November 1, 2020, and the report  
5 submitted during the 2021 legislative interim must be submitted  
6 not later than November 1, 2021. Each report must be submitted  
7 in an electronic format under IC 5-14-6.

8 (b) This SECTION expires June 30, 2022.

9 SECTION 6. [EFFECTIVE UPON PASSAGE] (a) During the 2020  
10 and 2021 legislative interims, the commission for higher education,  
11 in collaboration with the governor's workforce cabinet and the  
12 department of workforce development, shall submit an executive  
13 summary report to the legislative council, to each member of the  
14 senate and house of representatives standing education committees,  
15 and to each member of the senate commerce and technology  
16 committee. The executive summary report must include the  
17 following:

18 (1) All administrative rules proposed, adopted, amended, or  
19 repealed by the governor's workforce cabinet, the commission  
20 for higher education, and the department of workforce  
21 development in the twelve (12) months preceding the date of  
22 the report.

23 (2) All guidance issued by the governor's workforce cabinet,  
24 the commission for higher education, and the department of  
25 workforce development in the twelve (12) months preceding  
26 the date of the report.

27 (3) All executive orders or directives relevant to  
28 postsecondary education in Indiana in the twelve (12) months  
29 preceding the date of the report.

30 The report submitted during the 2020 legislative interim must be  
31 submitted not later than November 1, 2020, and the report  
32 submitted during the 2021 legislative interim must be submitted  
33 not later than November 1, 2021. Each report must be submitted  
34 in an electronic format under IC 5-14-6.

35 (b) This SECTION expires June 30, 2022.

36 SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The legislative  
37 council is urged to assign to an appropriate interim study  
38 committee for the 2020 legislative interim the task of studying  
39 relocation and talent incentives for Indiana. An interim study  
40 committee assigned to study this subject shall consider the  
41 following:

42 (1) Comparative analysis of:





- 1           **(A) other state and local relocation and talent incentive**
- 2           **programs; and**
- 3           **(B) demonstrable returns on investment of those state and**
- 4           **local programs.**
- 5           **(2) The following with respect to implementing an Indiana**
- 6           **relocation and talent incentive program:**
- 7           **(A) State, local, and private investment and coordination.**
- 8           **(B) Recipient eligibility.**
- 9           **(C) Economic and labor market data to determine the**
- 10           **extent of local discretion in the administration of the**
- 11           **program based on local workforce needs.**
- 12           **(D) The likely participation rate by Indiana companies and**
- 13           **the anticipated investment by the business sector to match**
- 14           **or exceed investment of public funds.**
- 15           **(E) Marketing strategies and funding to promote**
- 16           **relocation and talent incentives to targeted populations.**
- 17           **(F) Potential budget appropriation for purposes of**
- 18           **administering the program and matching local and private**
- 19           **investment.**
- 20           **(b) This SECTION expires December 31, 2020.**
- 21           **SECTION 8. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 364, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 20 through 29, begin a new paragraph and insert:

**"(f) As used in this subsection, "regulation affecting businesses" means any of the following:**

- (1) Creation of a specific private civil cause of action to remedy consumer harm.**
- (2) Classification of an act or practice as a deceptive act that is actionable under IC 8-1-29.**
- (3) Imposition of a requirement for submission of information to a state or local government regarding a specific good or service.**
- (4) Imposition of a requirement for professional certification, licensing, or registration.**
- (5) Imposition of a requirement for government inspection.**
- (6) Imposition of a bonding requirement for a specific commercial activity.**
- (7) Imposition of a requirement for maintenance of insurance coverage.**

**As part of the statement of fiscal impact prepared for a bill during a regular session of the general assembly, the legislative services agency shall indicate, in a form approved by the legislative council, whether the bill includes any regulation affecting businesses."**

Page 3, line 2, after "with" insert **"the Indiana economic development corporation,"**

Page 3, line 3, after "budget" insert **","**.

Page 3, line 16, delete "oversight," and insert **"oversight and sunset review framework,"**

Page 3, line 21, delete "(c)(3)," and insert **"(d)(3),"**

Page 3, line 21, delete "shall" and insert **"may"**.

Page 4, delete lines 29 through 39, begin a new paragraph and insert:

**"(b) Not later than November 1, 2020, the Indiana department of education, in coordination with the commission for higher education, shall submit to the legislative council and the interim committee on commerce and economic development established by IC 2-5-1.3-4:**

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- (1) a report concerning the portability and reciprocity of Indiana licenses relative to other states; and
- (2) an executive summary, and any recommendations, concerning portability and reciprocity of Indiana licenses relative to other states.

The report and the executive summary must be submitted in an electronic format under IC 5-14-6.

(c) During the 2020 and 2021 legislative interims, the Indiana professional licensing agency shall:

- (1) identify bills enacted in the immediately preceding legislative session that affect the portability and reciprocity of Indiana licenses relative to other states; and
- (2) issue to:
  - (A) the legislative council; and
  - (B) the interim committee on commerce and economic development established by IC 2-5-1.3-4;

a report concerning the effect of the bills on the portability and reciprocity of Indiana licenses relative to other states. The report concerning bills enacted in the 2020 legislative session must be issued not later than November 1, 2020, and the report concerning bills enacted in the 2021 legislative session must be issued not later than November 1, 2021. Each report must be submitted in an electronic format under IC 5-14-6."

Page 4, line 40, delete "(c)" and insert "(d)".

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE UPON PASSAGE] (a) During the 2020 and 2021 legislative interims, the Indiana state board of education, in consultation with the department of education, shall submit an executive summary report to the legislative council, to each member of the senate and house of representatives standing education committees, and to each member of the senate commerce and technology committee. The executive summary report must include the following:

- (1) All guidance issued by the Indiana state board of education and the department of education in the twelve (12) months preceding the date of the report.
- (2) All administrative rules proposed, adopted, amended, or repealed by the Indiana state board of education or the department of education in the twelve (12) months preceding the date of the report.
- (3) All executive orders or directives relevant to kindergarten through grade 12 education in Indiana in the twelve (12)



months preceding the date of the report.

The report submitted during the 2020 legislative interim must be submitted not later than November 1, 2020, and the report submitted during the 2021 legislative interim must be submitted not later than November 1, 2021. Each report must be submitted in an electronic format under IC 5-14-6.

(b) This SECTION expires June 30, 2022.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) During the 2020 and 2021 legislative interims, the commission for higher education, in collaboration with the governor's workforce cabinet and the department of workforce development, shall submit an executive summary report to the legislative council, to each member of the senate and house of representatives standing education committees, and to each member of the senate commerce and technology committee. The executive summary report must include the following:

- (1) All administrative rules proposed, adopted, amended, or repealed by the governor's workforce cabinet, the commission for higher education, and the department of workforce development in the twelve (12) months preceding the date of the report.
- (2) All guidance issued by the governor's workforce cabinet, the commission for higher education, and the department of workforce development in the twelve (12) months preceding the date of the report.
- (3) All executive orders or directives relevant to postsecondary education in Indiana in the twelve (12) months preceding the date of the report.

The report submitted during the 2020 legislative interim must be submitted not later than November 1, 2020, and the report submitted during the 2021 legislative interim must be submitted not later than November 1, 2021. Each report must be submitted in an electronic format under IC 5-14-6.

(b) This SECTION expires June 30, 2022.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) The legislative council is urged to assign to an appropriate interim study committee for the 2020 legislative interim the task of studying relocation and talent incentives for Indiana. An interim study committee assigned to study this subject shall consider the following:

- (1) Comparative analysis of:
  - (A) other state and local relocation and talent incentive



programs; and

**(B) demonstrable returns on investment of those state and local programs.**

**(2) The following with respect to implementing an Indiana relocation and talent incentive program:**

**(A) State, local, and private investment and coordination.**

**(B) Recipient eligibility.**

**(C) Economic and labor market data to determine the extent of local discretion in the administration of the program based on local workforce needs.**

**(D) The likely participation rate by Indiana companies and the anticipated investment by the business sector to match or exceed investment of public funds.**

**(E) Marketing strategies and funding to promote relocation and talent incentives to targeted populations.**

**(F) Potential budget appropriation for purposes of administering the program and matching local and private investment.**

**(b) This SECTION expires December 31, 2020."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 364 as introduced.)

PERFECT, Chairperson

Committee Vote: Yeas 10, Nays 0.

