

Session – Week 7  
February 23, 2024

# LEGISLATIVE UPDATE



## INCPAS Weekly Update

*Click here for current Bill Track:*

INCPAS	<a href="http://tinyurl.com/INCPAS-2024">http://tinyurl.com/INCPAS-2024</a>
INCPAS Tax	<a href="http://tinyurl.com/INCPASTAX2024">http://tinyurl.com/INCPASTAX2024</a>

The House deadline for a Senate bill to clear committee is next Tuesday and the Senate deadline to hear House bills is next Thursday. The General Assembly is still on schedule to adjourn 3-8-24.

The budget committee announcement in December that the budget contained a \$1 Billion Medicaid shortfall. This has caused a session with greater scrutiny on bills with any fiscal impact, as it is not a budget session. Virtually all bills that would change the budget have been heard in committee and reassigned to either the Ways and Means Committee or the Senate Committee on Appropriations to die.

[HB 1138](#) was amended on 2<sup>nd</sup> reading yesterday in the Senate with some additional behavioral health language. The accountancy provisions were unchanged from the way they passed the House. The bill is eligible for 3<sup>rd</sup> reading on Monday. It is expected that Rep. Goss-Reaves will concur with the Senate version. Hopefully by next Friday, the bill will be on it's way to the Governor.

### Mobile Retail Food Establishments

[House Bill \(HB\) 1258](#), authored by Rep. Joanna King (R-Middlebury), passed out of the House on a vote of 74-22 in the first half of session. The bill would establish a uniform food truck licensing process which includes annual permit fees and an inspection fee. It also precludes county health department laws from passing laws more stringent than state law.

Sen. Tyler Johnson (R-Leo), Sen. Ed Charbonneau (R-Valparaiso), and Sen. Stacey Donato (R-Logansport) are sponsoring the bill. The bill was assigned to the Senate Health and Provider Services Committee, where it was presented on Wednesday, February 21.

AJ Feeney-Ruiz, testifying in his capacity as a food truck owner, voiced his desire for a uniform licensing application. According to Feeney-Ruiz, food truck owners spend \$2000-\$3000 annually on county fees. He noted that food truck businesses must sometimes also pay a municipal fee and that fees can range from \$50 to \$1,000. These fees consume the valuable time and financial resources of food truck owners.

Abbi Raben, representing the Indiana Restaurant and Lodging Association, spoke about how food trucks create a vital point of entry into the food service industry. She noted that permitting fees can serve as a barrier to operating a food truck and praised HB 1258 for providing operators with cost certainty.

Brian Krider, co-founder of Ben's Soft Pretzels, highlighted the

differences in Indiana's regulation from the 17 other states where they operate. Krider noted that uniformity, not limiting health code inspections, is what made regulation successful. He also noted that the current estimated cost for Ben's Soft Pretzels to operate in all 92 counties would be \$36,000 in permit fees.

HB 1258 passed unanimously out of committee and awaits second reading on the Senate Floor.

### Citizenship and Immigration Status

In 2011, the legislature enacted [Senate Enrolled Act \(SEA\) 590](#) which created wide sweeping changes to Indiana's illegal immigration laws. One portion of the bill prohibited governmental bodies, including municipalities and post-secondary educational institutions, from adopting policies that would make them a "sanctuary city". Under SEA 590, 2011 it stated that violations under this statute could be enforced through a citizen-activated lawsuit.

More recently, in Gary, IN, individuals brought a suit against the city when they claimed they were acting as a "sanctuary city". They won at trial but lost when the Indiana Supreme Court said they had no standing in the suit.

[Senate Bill \(SB\) 181](#), authored by Sen. Eric Koch (R-Bedford), aims to remedy SEA 590 by giving the Attorney General authority to bring suit in these situations. SB 181 passed the Senate 37 to 9 and was heard in the House Judiciary Committee this week.

Chairman Chris Jeter (R-Fisher), Rep. Clere (R-New Albany), and Rep. Maureen Bauer (D-South Bend) raised concerns regarding the "shall" provision in SB 181 concerning the Attorney General's action. An amendment was offered to change this language. Sen. Koch argued that this would allow the Attorney General to become a non-complaint prosecutor. Rep. Jennifer Meltzer (R-Shelbyville) countered by stating that non-compliance has never been an issue with the Attorney General's Office.

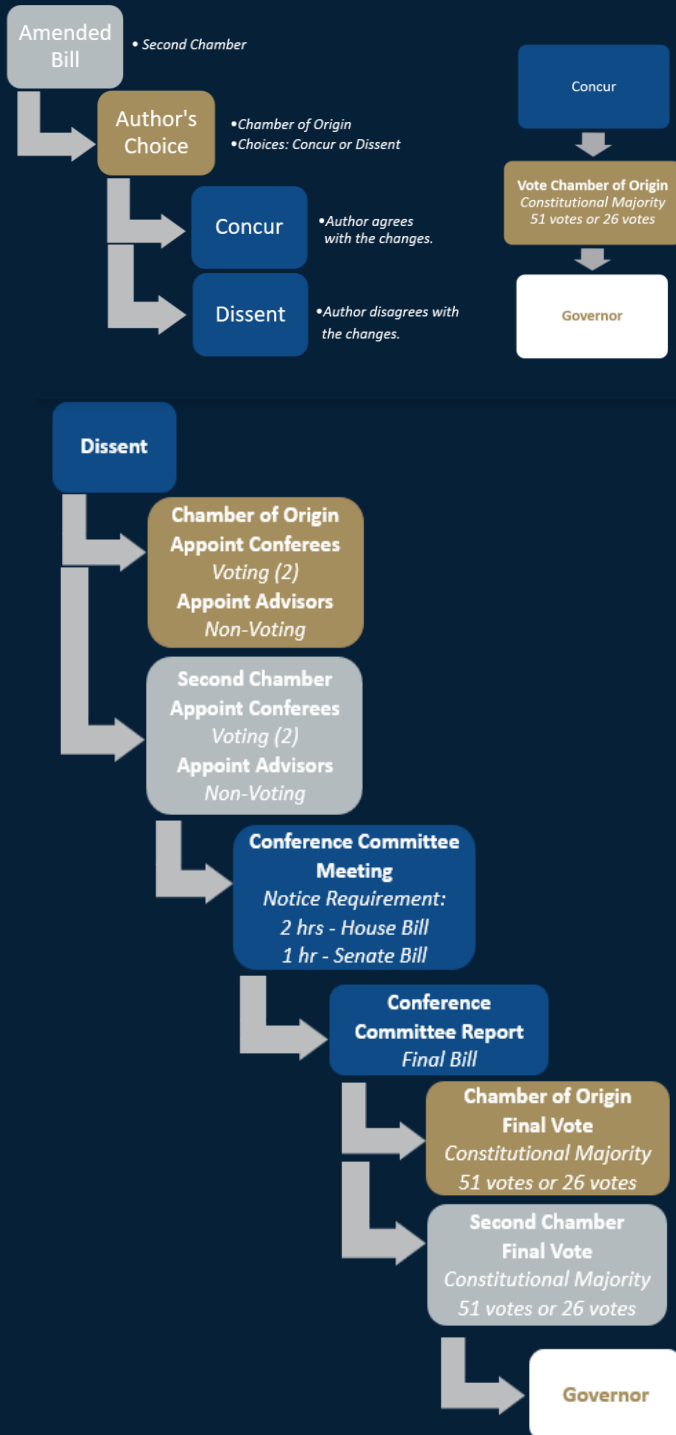
Ultimately, the amendment failed 4-5. The bill went on to pass out of the House Judiciary Committee 7-2 and will be on second reading next week in the House.

### Concur & Dissent

On Thursday, February 22 the House voted on the first concurrences. We anticipate an early start to conference committees. See the next page for information on this process.

## CONFERENCE COMMITTEES

The conference committee process is the process of reconciling bills to guarantee that every piece of language receives a constitutional majority vote in both chambers before it becomes law. Please see the graphic below which helps explain the conference committee process.



## CONFERENCE COMMITTEES cont.

The final, required step before a bill becomes law is action by Governor Eric Holcomb. In Indiana, the Governor has three optional actions he can take: 1 sign the bill into law, 2 allow it to sit on his desk for seven days and become law without his signature, or 3 veto a bill and send it back to the legislature next year.

It may take several days for an Enrolled Act to reach the Governor's desk. Once the act arrives, the countdown to become law begins. You can watch Gov. Holcomb's action on his Bill Watch Website [HERE](#).

## 2024 UPCOMING DEADLINES

### HOUSE

#### Senate Bills

Committees: Tuesday, February 27  
 2<sup>nd</sup> Reading: Thursday, February 29  
 3<sup>rd</sup> Reading: Monday, March 4

### SENATE

#### House Bills

Committees: Thursday, February 29  
 2<sup>nd</sup> Reading: Monday, March 4  
 3<sup>rd</sup> Reading: Tuesday, March 5

### HOUSE & SENATE

Anticipated Sine Die: Friday, March 8  
 Statutory Sine Die: Thursday, March 14