



Session – Week 7
February 18, 2022

LEGISLATIVE UPDATE



INCPAS Weekly Update

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[SB 382](#), the Senate Tax bill, was heard in the House Ways and Means Committee on Thursday. The bill is still primarily the DOR update. There are provisions in the bill that deal with tobacco tax matters that have made the bill more controversial that it would otherwise be.

[HB 1002](#), the House Tax bill, was heard in the Senate Tax and Fiscal Policy Committee on Wednesday. The Senate stripped the bill and put in taxpayer refund language that is in SB 1. (Which passed the House on Monday). There is a dispute between the House and Senate regarding the repeal of the business personal property tax 30%. This will be one of the final issues resolved this year. The Hannah notes are attached.

No activity on licensure matters impacting the profession took place this week.

Agrotourism Expansion

Hoosier camping could soon be codified as agrotourism throughout the state. Debated on the House floor this Tuesday, February 15, [SB 343](#) adds camping, winter sports, and kayaking to Indiana's list of agrotourism activities.

Authored by Senator Linda Rogers (R – Granger), SB 343 expands the agrotourism industry to include more outdoor activities and allows activity providers to accept electronic signatures for relevant contracts.

On the House floor, Rep. Doug Miller (R – Elkhart), presented the bill, citing Indiana's 481.3% spike in camping reservations last year alone. Rep. Miller noted SB 343 will provide easier access to campgrounds with electronic signatures and increased liability protection for private campground owners. RV camping is on average 27%-60% cheaper than other vacations and RV manufacturing is a \$4.5 billion industry, making up 7% of Indiana's economy.

House Democrats opposed SB 343 as an unjustified liability defense for private-sector activity providers. Rep. Ed Delaney (D – Indianapolis) criticized the bill as excessive liability protections for activities that have nothing to do with agricultural tourism. Rep. Ryan Hatfield (D – Evansville) stoked the opposition stating, "After you vote for this bill you can tell

your people you brought big government to camping."

SB 343 passed the House 65-25 with one House amendment added on second reading. As a result, the bill awaits a decision by the author, Sen. Rogers, on how to proceed.

Less Restrictions on Homemade Goodies

Sen. Greg Walker (R – Columbus), sponsored [HB 1149](#) to allow for the sale of more homemade foods in Indiana. Heard in the Senate Agriculture Committee on Monday, February 14, the bill would require home-based vendors to receive the National Food Handler Certification to sell food out of their homes. The certification ensures that any production of homemade goods is done in a clean, up-to-code kitchen or facility.

Currently, Indiana has some of the most restrictive laws in the country for home-based food vending. Individuals are only allowed to sell their homemade goods at a roadside stand or a farmer's market. Historically, this has hindered people's ability to sell their goods in the winter, making their income stream unpredictable.

While many states allow interstate commerce of homemade goods, HB 1149 requires that any homemade good only be shipped or delivered within the state. Sen.

Ticking Timeline

House Deadlines

Committee: Tuesday, Feb. 22

2nd Reading: Thursday, Feb. 24

3rd Reading: Monday, Feb. 28

Senate Deadlines

Committee: Thursday, Feb. 24

2nd Reading: Monday, Feb. 28

3rd Reading: Tuesday, March 1

Jean Breaux (D - Indianapolis) hopes that the bill can make an exception for sending goods overseas to the military.

Alexa Gervasi with the Institute for Justice spoke in support of the bill. Her organization helps home-based food providers across the county. She said that this bill will not only create more freedom for vendors, but it will bring economic opportunity to their communities. However, she did recommend that a provision be added to allow for the shipping of goods across state lines.

Amanda Deering with Purdue University's Department of Food Science said that the university offers training for the certification. She said it comes at little cost and only takes a couple of hours. With more than 47 instructors across the state, she said it should not be hard for even those in the most rural communities to obtain the certification efficiently.

The bill passed out of committee 8-0.

Bridge of Honor

On Monday, February 14, the House heard [House Concurrent Resolution 6](#). HCR 6 urges the Indiana Department of Transportation to rename the I-65 bridge over the Wabash River the "Captain Ronald D. Gutwein Memorial Bridge."

Authored by Rep. Ed Soliday (R – Valparaiso), the resolution honors the late brother of Rep. Doug Gutwein (R – Francesville). Capt. Ronald Gutwein served in the Vietnam War as a helicopter pilot and flight commander in the United States Army. Rep. Soliday testified that Capt. Gutwein flew combat missions throughout the A Shau Valley in support of American and South Vietnamese forces fighting along the Ho Chi Minh Trail. Capt. Gutwein commanded six Huey helicopters, earned a Silver Star, and saved the lives of many fellow soldiers.

Rep. Soliday, a Vietnam War veteran, spoke to a famous story in which Capt. Gutwein flew under enemy fire to save wounded Americans using the captain's own helicopter rotor blades to cut down trees that blocked the landing zone where soldiers were trapped in combat.

Rep. Renee Pack (D – Indianapolis), an Army veteran herself, stated "It's men like Capt. Gutwein that make me proud to be a veteran. This is what we sign up for, to do everything up to and including, dying for this nation."

Rep. Gutwein, accompanied by a picture of Capt. Gutwein, attested that his brother loved people. Rep. Gutwein learned from his brother's commanding officer that Capt. Gutwein's job was "to save people, and he did that. He took his responsibility very seriously."

HCR 6 passed out of the House unanimously and is carried in the Senate by President Pro Tempore Rod Bray (R – Martinsville).

Public Participation at School Board Meetings

On Wednesday, February 9, in the Senate Education and Career Development Committee, Rep. Tim O'Brien (R – Evansville) offered [HB 1130](#). He says he introduced HB 1130 as a transparency bill as it will require school boards to hear public comments at their meetings.

On Wednesday, February 16, the bill was amended in committee.

Prior to being amended, the bill limited testimony to three minutes per person at board meetings. The amendment changed the language to "a *minimum* of three minutes," allowing the leader of the meeting to manage the flow of public testimony.

Parents, teachers, and press alike supported the bill in expanding Indiana's Open Door Law. However, a current school board member expressed her concerns about public comments being taken at every meeting. She said that half of the meetings are working sessions where no votes take place and asked that those be exempt from the legislation. Sen. Jim Buck (R – Kokomo) responded that he would like the type of meeting explicitly defined by the end of this process. However, language of that nature was not included in an amendment offered on February 16.

The bill passed out of committee, as amended, 10-1.

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