

# **2022 Indiana Legislative Bills Relevant to Environmental Health**

Submitted by the General Environmental Health Services Committee  
v. 01/14/2022

## **SB 16: Scrapping motor vehicles**

**Authored by Sen. James Tomes, Sen. Dennis Kruse**

**Co-Authored by Sen. Kevin Boehnlein**

**Digest:** Provides that the owner of a vehicle that is at least 15 model years old does not have to apply for a certificate of authority before selling, giving, or disposing of the vehicle to an automotive salvage recycler. Removes the requirement that an automotive salvage recycler must be presented with, and maintain a copy of, a certificate of authority before scrapping a motor vehicle that is at least 15 model years old.

**Bill Actions as of 01/24/2022:**

S01/04/2022First reading: referred to Committee on Homeland Security and Transportation

S01/04/2022Authored by Senator Tomes

## **SB 35: Logjam Removal Fund**

**Authored by Sen. Dennis Kruse, Sen. Jeff Raatz**

**Co-Authored by Sen. James Tomes**

**Digest:** Establishes the logjam removal fund through the department of natural resources for the purpose of removing logjams or obstructions in waterways.

**Bill Actions as of 01/24/2022:**

S01/04/2022First reading: referred to Committee on Appropriations

S01/04/2022Authored by Senator Kruse

## **SB 85: Drainage Task Force**

**Authored by Sen. Jean Leising, Sen. Susan Glick, Sen. Jeff Raatz**

**Digest:** Establishes a drainage task force consisting of six members of the senate, six members of the house of representatives, and six other individuals. Requires the task force to: (1) review the responsibilities of landowners and state and local authorities under current laws relating to the drainage of land; (2) make certain determinations concerning drainage and regulatory matters; and (3) determine whether the balance between state authority and local authority over drainage of agricultural land favors state authority more in Indiana than in neighboring states. Authorizes the task force to make recommendations. Requires the task force to issue a report and, not later than December 1, 2023, submit the report to the executive director of the legislative services agency for distribution to the members of the general assembly and to the governor.

**Bill Actions as of 01/24/2022:**

S01/04/2022First reading: referred to Committee on Natural Resources

S01/11/2022Committee report: amend do pass, adopted

S01/11/2022Senator Glick added as second author

S01/11/2022Senator Raatz added as third author

S01/18/2022Second reading: amended, ordered engrossed

S01/18/2022 Amendment #1 (Doriot) prevailed, voice vote

S01/20/2022Third reading: passed; Roll Call 25: yeas 45, nays 2

S01/20/2022House sponsor: Representative Lehe

S01/20/2022Senator Doriot added as coauthor

S01/21/2022Referred to the House

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### **SB 122: Annual Inspection of CFOs**

**Authored by Sen. Rick Niemeyer**

**Digest:** Requires the owner or operator of a confined feeding operation (CFO, which is defined as an animal feeding operation having at least 300 cattle, 600 swine or sheep, 30,000 fowl, or 500 horses) to annually submit to the department of environmental management (department) a report concerning the operation of the CFO and any satellite manure storage structure associated with the CFO. Requires the department, after receiving a report concerning a CFO, to conduct an onsite inspection of the CFO to verify the information contained in the report. Requires the environmental rules board to adopt rules that: (1) adopt a form to be used by owners or operators of CFOs in submitting annual reports; (2) specify the information concerning a CFO that must be contained in an annual report; and (3) provide for the performance by the department of annual inspections of CFOs.

**Bill Action as of 01/24/2022:**

S01/04/2022First reading: referred to Committee on Environmental Affairs

S01/04/2022Authored by Senator Niemeyer

### **SB 127: Study of low-carbon and green industries**

**Authored by Sen. Timothy Lanane**

**Digest:** Requires the Indiana University Paul H. O'Neill School of Public and Environmental Affairs to: (1) assess the potential for the development of low-carbon and green industries in Indiana and the job creation, economic growth, and wealth generation that could result for Indiana communities from the development of these industries; and (2) report the results of its assessment to the legislative council in an electronic format not later than December 1, 2022

**Bill Actions as of 01/24/2022:**

S01/04/2022First reading: referred to Committee on Environmental Affairs

S01/04/2022Authored by Senator Lanane

### **SB 161: Acceptance of WIC/SNAP at farmers' markets**

**Authored by Sen. Shelli Yoder**

**Digest:** Requires a farmers' market administrator or representative who is responsible for managing a farmers' market that has qualified retailers to accept electronic benefit transfer (EBT) payments and coupons from participants in the following food assistance programs: (1) The federal Supplemental Nutrition Assistance Program (SNAP). (2) The women, infants, and children nutrition program (WIC). (3) The WIC farmers' market nutrition program (FMNP).

**Bill Actions as of 01/24/2022:**

S01/20/2022Senator Ford J.D. added as coauthor

S01/04/2022First reading: referred to Committee on Family and Children Services

S01/04/2022Authored by Senator Yoder

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### **SB 176: Agricultural land used for wind or solar energy**

**Authored by Sen. Jean Leising, Sen. Eric Koch**

**Digest:** Requires the Indiana utility regulatory commission (IURC) to include in its annual report to the governor and the chairman of the legislative council the following information concerning utility grade wind power devices (devices) and utility grade solar energy facilities (facilities) for each county in Indiana: (1) The total number of devices and facilities installed or under construction. (2) The total generating capacity of the devices and facilities. (3) The county's total land acreage that is occupied by, or otherwise part of a project or development that includes, one or more devices or facilities. (4) Of the occupied acreage, the percentage of that acreage that was assessed as agricultural land for property tax purposes: (A) as of the most recent assessment date; or (B) immediately before the commencement of construction of one or more devices or facilities on the land. Requires the IURC to present: (1) the IURC's annual report to the interim study committee on energy, utilities, and telecommunications (committee) before October 1 each year; and (2) the new information required under the bill: (A) before October 1, 2022, to the 21st century energy policy development task force; and (B) before October 1 of each year, to the standing committees of the senate and the house of representatives having subject matter jurisdiction over agricultural matters. Makes conforming amendments to the statute governing the committee's duties to monitor changes and competition in the energy utility industry.

#### **Bill Action as of 01/24/2022:**

S01/11/2022 Senator Koch added as second author

S01/06/2022 First reading: referred to Committee on Utilities

S01/06/2022 Authored by Senator Leising

### **SB 183: Home Based Vendors**

**Authored by Sen. Greg Walker**

**Digest:** Specifies the requirements for the preparation and sale of food products as a home-based vendor. Reorganizes provisions concerning the sale of certain food products by an individual vendor at a farmers' market or roadside stand. Requires an individual who sells rabbits at a farmers' market or roadside stand to comply with certain requirements. Makes conforming changes.

#### **Bill Action as of 01/24/2022:**

S01/06/2022 First reading: referred to Committee on Agriculture

S01/06/2022 Authored by Senator Walker G

### **SB 255: Climate and environmental justice task force**

**Authored by Sen. Ron Alting, Sen. Mike Bohacek, Sen. Fady Qaddoura, Sen. Shelli Yoder**

**Digest:** Establishes the climate and environmental justice task force (task force). Provides that the task force consists of 17 members. Requires the task force to: (1) develop a climate action plan that recommends policies the state should implement to systematically mitigate climate change, facilitate adaptation to the effects of climate change in Indiana, and simultaneously enhance statewide economic development; and (2) not later than November 1, 2022, submit the climate action plan to the executive

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director of the legislative services agency for distribution to the members of the general assembly and the governor. Requires the utility regulatory commission, not later than June 1, 2022, to issue a report forecasting the greenhouse gas emissions that will be produced by the power generation of Indiana's investor-owned utility companies in each year from 2022 to 2050, based on the investor-owned utility companies' current integrated resource plans.

### **Bill Action as of 01/24/2022:**

S01/20/2022 Senator Yoder added as coauthor

S01/12/2022 Senator Qaddoura added as coauthor

S01/11/2022 Senator Bohacek added as coauthor

S01/10/2022 First reading: referred to Committee on Environmental Affairs

S01/10/2022 Authored by Senator Alting

### **SB 265: Carbon sequestration pilot project**

#### **Authored by Sen. Jon Ford**

**Digest:** Changes the description of the carbon sequestration pilot project that is authorized under current law. Eliminates the requirement that the operator of the carbon sequestration pilot project be designated by the director of the department of natural resources. Defines "carbon sequestration claim" as a civil action alleging actual or potential infringement of, interference with, or damage to real or personal property rights or interests arising from: (1) the operation of the carbon sequestration pilot project; or (2) the actual or potential presence or migration in the subsurface of injectate from the carbon sequestration pilot project. Provides that a person may not maintain a carbon sequestration claim unless the person pleads and proves: (1) actual interference with the reasonable use of the person's property; or (2) direct and tangible physical damage to the person's property. Provides that a person asserting a carbon sequestration claim may not recover damages for the diminution of the value of the person's real property due solely to any perceived risk associated with the operation of the carbon sequestration pilot project.

### **Bill Action as of 01/24/2022:**

S01/10/2022 First reading: referred to Committee on Environmental Affairs

S01/10/2022 Authored by Senator Ford Jon

### **SB 272: Wastewater infrastructure**

#### **Authored by Sen. Eric Koch, Sen. Ed Charbonneau**

#### **Co-Authored by Sen. Susan Glick**

**Digest:** Provides that the Indiana finance authority (authority) shall serve as the executive branch coordinator for funding allocated or made available to the state or local communities from federal, state, and other sources for purposes related to drinking water, wastewater, or storm water infrastructure and systems. Sets forth the duties of the authority with respect to this role. Specifies that the authority shall coordinate the executive branch activities related to the state's drinking water and wastewater programs. (Current law provides that the authority shall serve such a role with respect to the state's water programs.) Authorizes the establishment of a drinking water and wastewater infrastructure research and extension program (program) to provide data collection and information, training, and technical assistance concerning: (1) drinking

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water infrastructure; (2) wastewater infrastructure; and (3) storm water infrastructure; in Indiana. Provides that the authority may: (1) contract with a state supported college or university in Indiana to provide the program; and (2) financially support the program from existing funds appropriated to the authority. Provides that the program may be housed within, or share staff with, the existing research and highway extension program at Purdue University. Provides that the program may provide the following services and programs to, or for the benefit of, utilities providing drinking water, wastewater, or storm water service in Indiana: (1) Assisting utilities in the development of asset management programs. (2) Serving as a central repository for data concerning infrastructure used to provide drinking water, wastewater, or storm water service in Indiana. (3) Providing training and technical assistance to utilities and Indiana's drinking water, wastewater, and storm water utility industry workforces. Requires the authority to make, not later than July 1, 2023, all: (1) utility asset management programs; and (2) information concerning utility asset lifecycle management costs; submitted to or reviewed by the authority available on an Internet web site maintained by the authority or the program. Requires that in carrying out all information gathering and reporting duties under the bill's provisions, the authority and the program shall use any data the authority or the program acquires in a manner that: (1) protects the confidential information of individual utilities and customers; and (2) is consistent with applicable statutory exclusions from disclosure under the state's public records act. Provides that as a condition for receiving a loan, grant, or other financial assistance after June 30, 2023, through the wastewater revolving loan program, the drinking water revolving loan program, the water infrastructure assistance program, or the water infrastructure grant program, a participant must do the following: (1) Submit the participant's required asset management program to the authority not later than the time of submission of the participant's preliminary engineering report for any project for which the loan, grant, or other financial assistance will be provided. (Current law does not specify when the asset management program must be submitted.) (2) Submit to the authority information on the estimated and actual life cycle management costs over the useful life of the asset financed. Provides that as a condition for receiving a loan, grant, or other financial assistance from the water infrastructure assistance program or the water infrastructure grant program, a participant that is not under the jurisdiction of the Indiana utility regulatory commission (IURC) must regularly report to all: (A) customers; (B) counties; and (C) municipalities; within the participant's service territory information concerning the participant's asset management program. Provides that money in the: (1) supplemental drinking water and wastewater assistance fund; (2) water infrastructure assistance fund; and (3) water infrastructure grant fund; may be used to provide grants, loans, or other financial assistance for the planning, designing, acquisition, construction, renovation, improvement, or expansion of septic relief systems, in accordance with guidelines of the authority. Provides that the authority's project prioritization system for awarding assistance from the water infrastructure assistance fund and the water infrastructure grant fund must include as a variable the effect of a project on the environment. Provides for the following with respect to a wastewater utility that is not subject to the jurisdiction of the IURC for the approval of rates and charges and that has been issued one or more enforcement orders (orders) relating to environmental or

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health and human safety issues by the department of environmental management (department) after June 30, 2022: (1) For the first order, the utility is subject to an informal review of its: (A) rate and charges; and (B) asset management program; by the IURC, in accordance with procedures determined by the IURC. (2) For a second order that is issued within two years of the first order, the utility is subject to rate regulation, following two base rate cases, by the IURC for a minimum period of: (A) five years from the IURC's order in the first base rate case; and (B) one year from the IURC's order in the second base rate case. (3) For any order issued during the required rate regulation period, the IURC may, in consultation with the department, initiate a receivership proceeding with respect to the utility. Requires the state board of education (state board) to approve, for purposes of the state's career and technical education graduation pathway, a utility career cluster that allows students to acquire knowledge and skills related to employment in the electric, natural gas, communications, water, and wastewater utility industries. Requires the governor's workforce cabinet (cabinet), in consultation with the state board, the department of education, and the department of workforce development, to create course sequences for the utility career cluster.

### **Bill Action as of 01/24/2022:**

S01/20/2022 Senator Glick added as coauthor

S01/18/2022 Committee report: amend do pass, adopted

S01/10/2022 Senator Charbonneau added as second author

S01/10/2022 First reading: referred to Committee on Utilities

S01/10/2022 Authored by Senator Koch

### **SB 278: Indiana Geological and Water Survey Advisory Council**

**Authored by Sen. Andy Zay, Sen. Shelli Yoder**

**Digest:** Requires, rather than allows the president of Indiana University to appoint a geological and water survey advisory council (council). Requires the state geologist to serve as secretary of the council. Provides that the state geologist may cast the deciding vote to break a tie. Requires the council to meet quarterly. Establishes the institute for quality water. Establishes the institute for reliable energy. Allows the Indiana board of licensure for professional geologists (board) to elect a secretary who is not a member of the board. (Current law requires that the secretary of the board be elected from among the members of the board.) Increases the number of times the board is required to meet to at least two times each year. Allows a licensed professional geologist to request an informal review not more than 30 days after receiving a complaint. (Current law requires the request for an informal review to be made within 20 days.) Provides that if the board compels a licensed professional geologist to respond to a complaint or charges, the notification must be sent by certified mail and the response must be in writing. Allows a geologist who is licensed in another state to be licensed in Indiana if the other state's standards are substantially equal to Indiana's requirements. Requires a licensed professional geologist to obtain continuing education in the geological sciences as a condition of license renewal. Makes technical changes.

### **Bill Action as of 01/24/2022:**

S01/18/2022 Senator Yoder added as coauthor

S01/10/2022 First reading: referred to Committee on Utilities

S01/10/2022 Authored by Senator Zay

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## **SB 283: Electronic publication of notices**

**Authored by Sen. James Buck**

**Digest:** Allows a political subdivision or local public official to publish notices on the political subdivision's official web site instead of in a newspaper. Allows the department of natural resources to publish a notice regarding a bond release for a surface coal mining and reclamation operation on the official web site of a county where the operation is located instead of in the newspaper. Resolves conflicts between two versions of a statute passed in P.L.22-2021 and P.L.152-2021 by repealing both versions of the statute and adding new statutes. Makes various stylistic changes.

**Bill Action as of 01/24/2022:**

S01/10/2022First reading: referred to Committee on Local Government

S01/10/2022Authored by Senator Buck

## **SB 301 Wastewater holding tanks in RV campgrounds**

**Authored by Sen. Erin Houchin, Sen. Chip Perfect**

**Digest:** Provides that a recreational vehicle campground that is not connected to a public sewer system may include one or more holding tanks in which wastewater from recreational vehicles is stored before processing. Limits the capacity of a holding tank to not more than 10,000 gallons.

**Bill Action as of 01/24/2022:**

S01/11/2022Senator Perfect added as second author

S01/11/2022Senator Houchin added as author

S01/11/2022Senator Perfect removed as author

S01/10/2022First reading: referred to Committee on Environmental Affairs

S01/10/2022Authored by Senator Perfect

## **SB 332: Department of health reversion**

**No Authors listed on website**

**Digest:** Provides that money appropriated to the state department of health for a state fiscal year that remains unexpended and unencumbered at the close of the state fiscal year does not revert to the state general fund and is not subject to transfer, assignment, or reassignment to any other fund or purpose.

**Bill Action as of 01/24/2022:**

S01/11/2022First reading: referred to Committee on Appropriations

S01/11/2022Authored by Senator Breaux

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### **SB 395: Licensing of independent electrical contractors**

**Authored by Sen. Rick Niemeyer**

**Digest:** Establishes the Indiana commission on independent electrical contractors (commission). Specifies various forms of electrical work that are not subject to regulation by the commission. Provides for the issuance of a statewide license for independent electrical contractors. Specifies duties and privileges associated with holding a statewide license. Specifies powers and duties of political subdivisions with respect to the statewide license. Provides that the penalty imposed upon a political subdivision that fails to recognize and honor a statewide license is the intercept of part of the local income taxes that would be distributed to the political subdivision.

**Bill Action as of 01/24/2022:**

S01/11/2022First reading: referred to Committee on Commerce and Technology

S01/11/2022Authored by Senator Niemeyer

### **SB 403: Solar panel decommissioning and disposal study**

**Authored by Sen Greg Walker**

**Digest:** Directs the Indiana department of environmental management (IDEM) and the Indiana utility regulatory commission (IURC) to conduct a joint study of the issue of decommissioning and disposal of solar panels. Specifies topics for consideration in the study. Requires IDEM and the IURC to submit a report to the legislative council that includes: (1) the findings of the study; and (2) the recommendations of IDEM and the IURC regarding the findings of the study; not later than November 1, 2022

**Bill Action as of 01/24/2022:**

S01/12/2022First reading: referred to Committee on Environmental Affairs

S01/12/2022Authored by Senator Walker G

### **SB 411: Commercial solar and wind energy**

**Authored by Sen. Mark Messmer**

**Digest:** Establishes within the Indiana economic development corporation (IEDC) the commercial solar and wind energy ready communities' development center (center). Sets forth the following duties of the center: (1) Providing and making easily accessible comprehensive information concerning permits required for commercial solar projects, wind power projects, and related business activities in Indiana. (2) Working with permit authorities for such projects. Provides that in addition to these duties, the center shall create and administer: (1) a program to certify a unit as a commercial solar energy ready community; and (2) a program to certify a unit as a wind energy ready community. Provides that the IEDC shall certify a unit as a commercial solar energy ready community if the unit meets certain requirements, including the adoption of a commercial solar regulation that includes standards that are not more restrictive than the default standards for commercial solar energy systems set forth in the bill. Provides that if: (1) a unit receives certification as a commercial solar energy ready community; and (2) after the unit's certification, a project owner develops a commercial solar project in the unit; the IEDC shall authorize the unit to receive for a period of 10 years, beginning with the start date of the commercial solar project's full commercial operation, \$1 per megawatt hour of electricity generated by the commercial solar project, if the

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IEDC determines that the procedures and standards set forth in the unit's commercial solar regulation were adhered to in the development of the project. Provides that if the IEDC determines at any time during this 10 year period that the unit has failed to continue to maintain: (1) the standards and procedural framework set forth in the unit's commercial solar regulation; and (2) all applicable zoning, land use, and planning regulations; with respect to the project, the corporation shall discontinue the incentive and shall require the unit to return to the project owner any amounts collected by the unit after the unit's breach. Sets forth the same requirements for a unit to receive: (1) certification as a wind energy ready community; and (2) the per megawatt hour incentive for wind energy produced by a wind power project approved under the unit's wind power regulation. Establishes default standards concerning the following with respect to wind power projects in units that are certified as wind energy ready communities, or that otherwise adopt the standards: (1) Setback requirements. (2) Height restrictions. (3) Shadow flicker limitations. (4) Signal interference. (5) Sound level limitations. (6) Wind turbine light mitigation technology. (7) Required repairs to drainage related infrastructure. (8) Project decommissioning. Establishes default standards concerning the following with respect to commercial solar projects in units that are certified as commercial solar energy ready communities, or that otherwise adopt the standards: (1) Setback requirements. (2) Height restrictions. (3) Ground cover. (4) Fencing. (5) Cables. (6) Glare. (7) Signal interference. (8) Sound level limitations. (9) Required repairs to drainage related infrastructure. (10) Project decommissioning.

### **Bill Action of as of 01/24/2022:**

S01/12/2022First reading: referred to Committee on Utilities

S01/12/2022Authored by Senator Messmer

### **SB 412 Regulation of coal combustion residuals**

**Authored by Sen. Rodney Pol, Sen. Susan Glick**

**Digest:** Establishes a state policy favoring beneficial uses of coal combustion residuals (CCR). Provides that the rules of the environmental rules board may not allow CCR to be disposed of if, after the disposal, any of the CCR: (1) would be within a 500-year flood plain; (2) would be in contact with ground water; (3) could migrate into the uppermost aquifer; (4) would be left in an unstable area; or (5) would be in a seismic impact zone. Requires that the CCR disposal rules of the environmental rules board and the state permit program implementing the federal CCR rule be at least as protective and comprehensive as the federal CCR rule. Defines "closure in place" and prohibits the department from approving the closure in place of a CCR surface impoundment if: (1) the CCR surface impoundment is within a 500-year flood plain; (2) any of the CCR disposed of in the CCR surface impoundment would be in contact with ground water; or (3) CCR could migrate into the uppermost aquifer after the closure in place. Makes corresponding changes and a technical correction.

### **Bill Action of 01/24/2022:**

S01/12/2022First reading: referred to Committee on Environmental Affairs

S01/12/2022Authored by Senators Pol and Glick

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## 2022 Session Legislative Deadlines:

Monday, October 18, 2021

Senators may begin filing bills for the 2022 Session (Senate Rule 44). Senators can file no more than a total of ten bills or joint resolutions (Senate Rule 48(a)).

Tuesday, November 16, 2021

Organization Day for the 2022 Session (IC 2-2.1-1-3). Representatives may begin filing bills (House Rule 103).

Wednesday, January 5, 2022

Senators may file only two bills per business day beginning today (Senate Rule 48(c)).

Friday, January 7, 2022

Deadline for filing Senate bills (Senate Rule 48(c)) not later than 4:00 p.m.

Monday, January 10, 2022

Latest day session must reconvene (IC 2-2.1-1-3)

Tuesday, January 11, 2022

Deadline for filing House bills (Fourth meeting day in January) (House Rule 107.2, not later than 2:00 p.m.).

Wednesday, January 12, 2022

Filing of House vehicle bills (Fifth meeting day in January) (House Rule 106.1).

Friday, January 14, 2022

Last day Senate bills may be assigned to Senate committees (Seven (7) calendar days following the last day for filing Senate bills and resolutions (Senate Rule 49(a)).

Monday, January 31, 2022

Last day for 3rd reading of House bills in House (House Rule 147.2 & 2.1).

Tuesday, February 1, 2022

Last day for 3rd reading of Senate bills in Senate (Senate Rule 79(a), subject to Senate Rule 88(b)).

Monday, February 28, 2022

Last day for 3rd reading of Senate bills in House (House Rule 148.2 & 2.1).

Monday, February 28, 2022

Last day for House adoption of conference committee reports without Rules Committee approval (House Rule 161.2)

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Tuesday, March 1, 2022

Last day for 3rd reading of House bills in the Senate (Senate Rule 79(b)).

Tuesday, March 1, 2022

Last day for Senate adoption of conference committee reports without Rules Committee approval (Senate Rule 86(l)).

Monday, March 14, 2022

Last day for adjournment of both houses (IC 2-2.1-1-3).