



# STATE LEGISLATIVE UPDATE

## April 3, 2020

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### Of Political Interest Related to COVID-19

- ▲ As we continue to navigate the COVID-19 crisis, and the many postponements and cancellations, one of the most critical – and unprecedented – developments has been the delay of Indiana’s May 5th Primary Election. The Primary has been postponed until June 2nd at this point. The Election Commission met on March 25th to make some changes to the voting process for this Primary.
- ▲ In addition to in-person voting, Indiana will allow “no fault” absentee voting, which means all registered voters who want to vote by mail will be able to. Currently, Indiana voters can vote absentee by mail only if they have a specific reason, such as being required to work the entire 12 hours that polls are open or if they have a disability.
- ▲ All deadlines related to the Primary election have been extended 28 days to correspond with the new date. The new voter registration deadline is May 4th, and early voting begins May 5th.
- ▲ Pursuant to Executive Order 20-09, most if not all of state government is closed to the public, but remains fully functional utilizing remote capacities and technologies.

### Quick Summary of Governor Holcomb’s Executive Orders Related to COVID-19

#### Executive Order 20-02 - Declaration of Public Health Emergency for Coronavirus Disease 2019 Outbreak

- ▲ Declared that there was a public health emergency in the State of Indiana due to the spread of COVID-19. This declaration ensures that Indiana will receive additional federal funding to respond to the outbreak.

#### Executive Order 20-03 - Waiver of Hours of Service Regulations Relating to Motor Carriers and Drivers of Commercial Vehicles Transporting Goods to Indiana Businesses

- ▲ Provides that motor carriers and drivers of commercial vehicles traveling in or through the State of Indiana and who are delivering food, goods and items to Indiana businesses and entities for purchase or use by Hoosiers, as well as delivery of items for emergency preparedness and relief supplies and services are exempt from regulations restricting their hours of service under federal regulation (49 C.F.R. § 395), incorporated in state law under Indiana Code § 8-2.1-24-18. This exemption is effective from the time of the issuance of this Order until April 5, 2020, unless terminated or further extended by order of the Governor.

#### Executive Order 20-04 - Further Orders and Directives in Response to the Coronavirus Disease 2019 Epidemic

- ▲ The following is a list that includes, but is not limited to, the following provisions: activation of the IN National Guard as needed; prohibition of gatherings exceeding 50 people, but then adjusted to the groups of 10 as outlined by the President and CDC; addresses public meetings and the IN Open Door law by suspending state law requirements for in-person attendance so that governing bodies – including city and town councils – can conduct meetings electronically during the COVID-19 emergency; food service establishments must close to in-person service; no non-essential medical/surgical procedures; allows for public health interventions; and gives consumers access to price gouging resources.

#### Executive Order 20-05 - Helping Hoosiers During the Public Health Emergency Declared for the Coronavirus 2019 Disease Outbreak

- ▲ This Executive Order contains numerous provisions concerning the operations of state and local government including but not limited to the following: Provides that all schools in Indiana, public and private, are to be closed and cease in-person instruction through May 1, 2020; bans providers of gas and electric utilities, broadband, telecommunication, water and wastewater services from discontinuing service during this state of public health emergency; waives late fees on the renewal of a driver’s license or an identification card, vehicle registration renewal, title transactions, salvage titles, and off-road vehicle and snowmobile titles at the BMV; waives late fees on property taxes in Indiana that are due on May 1th, 2020 for 60 days.



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### **Executive Order 20-06 - Temporary Prohibition on Eviction and Foreclosures**

- ▲ Temporarily prohibits the initiation of evictions and foreclosures of residential real estate or property in the state of Indiana. These prohibitions will be in effect until at least April 5, 2020 and are likely to be extended. The eviction prohibition applies to all residential real estate and property in Indiana, including multi-family (apartment) projects and single-family residences. Commercial properties (e.g. multi-family apartment projects and other residential real estate that are not occupied by the owner) are not expected to benefit from the foreclosure prohibition. While the Order expressly references initiation of actions or proceedings, certain counties are citing the Order to postpone pending eviction proceedings as well.

### **Executive Order 20-07 - Rescheduling the Primary Election Due to Public Health Emergency**

- ▲ Provides for the delay of the Indiana Primary election from May 5, 2020 until June 2, 2020.

### **Executive Order 20-08 - Directive for Hoosiers to Stay at Home**

- ▲ Provides for essential and non-essential business and operations, infrastructure, government services, travel, and activities outside of one's home. This directive currently runs through April 6th at 11:59 p.m. However, given the federal social distance guidance extension to April 30th that was announced on Sunday evening by the President, EO 20-08 will likely be extended.

### **Executive Order 20-09 - Relating to the Continuity of Operation of Government**

- ▲ Provides for the continuing operation of state government from 5 p.m. today through 8 a.m. April 7 with restricted access to government buildings and services.

### **Executive Order 20-10 - Enforcement Directive Regarding Prohibition of In-Person Dining in Response to the Coronavirus Disease 2019 Epidemic**

- ▲ Directs that state and local boards of health and the Indiana Alcohol and Tobacco Commission (ATC) take all available administrative and enforcement actions against establishments that continue to offer in-house dining services, in violation of the governor's executive order of March 16.

- ▲ Health departments will deliver letters ordering restaurants that continue to provide in-person dining to cease such operations. If they do not comply, fines will be levied.
- ▲ For restaurants with alcohol permits that continue to offer in-person dining, the ATC will issue an order in writing for the establishment to cease such operations. If the activity continues, the ATC will suspend the entity's liquor license and will consider the non-compliance at the time of permit renewal.

### **Executive Order 20-11 - Relating to Carryout Consumption of Alcohol**

- ▲ Relaxes the sale of carryout alcoholic beverages for dining establishments. This includes establishments that allow for on-premises consumption only and those that are permitted carryout permits dependent on a percentage of on-premises sales.

### **Executive Order 20-12 - Further Provisions for Helping Hoosiers During the COVID-19 Public Health Emergency**

- ▲ The Department of Workforce Development (DWD) has suspended the one-week waiting period that is required before paying unemployment benefits to allow claimants to receive their federal relief checks more quickly. The suspension is retroactive to March 8, 2020.
- ▲ Hoosiers with chronic health issues will be able to receive a 90-day supply of their non-controlled prescription medication, such as insulin or cholesterol medications.
- ▲ Medicaid recipients can use their benefits to cover costs of using alternate forms of transportation, such as ride-sharing services, for appointments to see their healthcare providers.
- ▲ The Family and Social Services Administration (FSSA) has additional funding flexibility to allow for additional home delivery of meals.
- ▲ The Department of Local Government Finance (DLGF) has extended deadlines related to local government finances related to fire protection territory, deadlines for submitting property tax exemption applications, deadlines for establishing or re-establishing a cumulative fund.



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### Executive Order 20-13 - Directives to Manage Indiana's Health Care Response for Hoosiers with COVID-19 During the Public Health Emergency

- Addresses existing patient capacity at Indiana's hospitals, as well as giving the State Health Commissioner authority to set up temporary facilities as necessary; allows health care professionals who have retired within the last 5 years to provide health care services during this emergency, along with 4th year medical students, residents, physician assistant students, nursing students, respiratory care practitioner students, and out-of-state health care providers; provisions directing all health care providers to cancel or postpone all elective and non-urgent surgical or invasive procedures in an effort to conserve PPE for providers who are actively battling COVID-19 (includes veterinarians and veterinary practices); and with regard to the expansion of telemedicine services, this EO allows previously prohibited audio-only telemedicine services, excluding physical therapists, occupational therapists and speech therapists who are only allowed video telemedicine.

### General Interest

- The Indiana Senate and House of Representatives officially completed the work of the 2020 "short" legislative session and adjourned Sine Die late on Wednesday March 11th and shortly after midnight on March 12th, respectively, meeting their goal of completing business before the statutory deadline of March 14th.
- The General Assembly was fortunate to have finished when they did, as shortly after adjournment it became clear that the COVID-19 outbreak would soon alter the course of all state business.
- On March 9th, State Representative Todd Huston assumed the gavel and became the new Speaker of the Indiana House of Representatives, presiding over the last 3 days of the session. Representative Huston was selected by acclamation of the full House of Representatives.
- Since the end of session, Speaker Huston and Senate President Pro Tem Rod Bray have been integrally involved in the state response to the COVID-19 crisis, standing alongside Governor Holcomb in most public availabilities.

- The General Assembly focused on several key issue areas during the 2020 legislative session:

- Education;
- Health care costs, including surprise billing and cost transparency;
- Continued efforts to combat the opioid crisis;
- Several initiatives tied to workforce, including one that focused on careers in the utility industry;
- Raising the age for individuals to purchase tobacco and vaping products (in conjunction with the federal regulation that is now in effect) and penalties for retailers who violate that regulation; and
- Banning the use of cell phones while driving.

- For IMPA and our municipal electric members, we watched all legislation for possible impact on our interests. While several energy and utility-related bills were introduced, those issues did not dominate the agenda this year, with one exception, House Enrolled Act 1414, which became known as the "coal bailout" bill. We also kept tabs on local government-related issues, economic development, and environmental matters. Of note, no significant annexation legislation made it through the process this year. Some topics of interest for municipal utilities generally (not just electric) include: locating of underground facilities, rural broadband service, water and wastewater rates and charges, the extension of water and sewer mains, and a measure that addresses the responsibility of property owners in the event a tenant fails to pay their municipal utility bill (water, wastewater, gas, and/or electric; not sewer). This issue was addressed during the 2019 legislative session. This year's effort was to "clarify" what was approved during the last session.

- Accompanying the session wrap-up sent previously upon the conclusion of the session was a link to the 2020 Digest of Enactments, which summarizes all legislation that was approved and sent to the Governor. Here is a link to that information: <http://iga.in.gov/static-documents/c/d/f/3/cdf38d93/2020%20Digest%20of%20Enactments.pdf>



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- ▲ The COVID-19 emergency will likely add a very challenging new dynamic to the upcoming 21st Century Energy Development Task Force meetings later this year. This is the second year of the two-year study of Indiana's energy resources and future energy policies. The goal of the Task Force is to complete its work by December and have policy recommendations for the 2021 Indiana General Assembly.

### By the Numbers

- ▲ In the Indiana General Assembly this year, over 900 pieces of legislation were introduced. At the half-way mark, 283 were still alive. Upon final adjournment of the regular session this week, 168 bills (79 Senate Bills and 89 House Bills) – 19% of the introduced bills -- survived the legislative process and were sent to the Governor for signature into law.
- ▲ On March 25th, Governor Holcomb issued his one and only veto of the 2020 session. The Governor VETOED Senate Bill 148, which was a very controversial bill that contained provisions that would have preempted local ordinances that govern landlord-tenant relations, including the newly adopted Indianapolis ordinance. SB 148 would have placed limits on a municipality's ability to adopt and enforce ordinances that regulate housing issues and that could give greater protections to tenants across the state.

### Of General Political Interest

- ▲ In his veto, the Governor indicated that with the current public health emergency across the state and nation, now is not the time for these kinds of policies and that he felt it was too broad in scope.
- ▲ The retirement/resignation count for state legislators not seeking re-election this year is 10:

- State Representative Ron Bacon
- State Representative Pat Bauer
- State Representative Brian Bosma
- State Representative Woody Burton
- State Representative Mara Candelaria Reardon
- State Representative Dan Forestal
- State Representative Karlee Macer
- State Senator Victoria Spartz
- State Senator Mark Stoops
- State Representative David Wolkins

- ▲ On the Congressional front, Indiana has two open Indiana Congressional seats this year with the retirements of long time US Representative Pete Visclosky in Congressional District 1 and Congresswoman Susan Brooks in the 5th district. CD 1 is solidly Democratic and there are 14 individuals vying in the Primary to be the candidate in the fall election. Not to be outdone in the more political marginal CD 5, there are 16 Republicans seeking the nod to take on the Democratic challenger in the fall. There are 5 Democrats on the primary ballot in this district.
- ▲ All 100 state House of Representatives seats up for election this year, as are 25 state Senate seats. Governor Holcomb is seeking re-election, with his running mate, Lt. Governor Suzanne Crouch. The offices of IN Attorney General, Secretary of State, and all 9 US House of Representatives seats are on the ballot. Indiana's two US Senators are not up for re-election this year.