

2021 INDIANA GENERAL ASSEMBLY WEEK 14

- The 14th full week of the 2021 legislative session is complete! Both chambers met their respective committee deadlines on Thursday April 8th. Both the House of Representatives and Senate are set to wrap up 2nd and 3rd Readings next Monday and Tuesday, respectively. At that point, there will potentially be only 5 session days left to conclude the business of the legislature in the regular session. With census data coming later this year, likely in September, the General Assembly will be convening in a special session to draw new state legislative and Congressional district maps.
- With the adjournment date moved up by a week to April 21st, legislators have been encouraged to avoid taking their bills to conference committee and to get them into the best form possible as bills move through the second chamber. As a result, both the House of Representatives and Senate have been busy this week not only completing committee work, but also approving numerous concurrence motions on legislation that has already been approved by both chambers. With concurrences adopted, these bills will now go to the Governor for his signature into law.
- Governor Holcomb has signed 21 bills into law to date.
- Tim O'Brien won the House District 78 caucus to fill former State Representative Holli Sullivan's (R-Evansville) seat. In March, she was selected by the Governor to serve as Indiana Secretary of State following the resignation of Connie Lawson. Representative O'Brien is a real estate broker from Evansville.
- The Senate Appropriations Committee approved the Senate version of House Bill 1001, the biennial state budget, on Thursday. The budget spends approximately \$36 billion over the biennium and is the only legislation that the General Assembly is required to approve. At this point, a proposed increase in the state's cigarette tax is not in the bill. Other higher profile bills regarding wetland regulation, election security, telecommunications and broadband deployment, and several health-related pieces of legislation will also be finalized in the coming days.
- As was discussed in last week's update, the conference committee report on House Bill 1123 was adopted by both chambers of the legislature. Governor Holcomb has indicated that he will veto HB 1123 based on constitutionality. It is anticipated that the General Assembly will override that veto prior to final adjournment of the session. HB 1123 addresses the Governor's emergency declaration powers and has been a focus of the General Assembly since session began. HB 1123 provides that the General Assembly may call itself into an emergency session if the Legislative Council adopts a resolution making certain findings concerning a state of emergency declared by the Governor. The maximum length of an emergency session would be 40 days. The bill provides that in an emergency session, the General Assembly may enact only bills relating to the agenda stated in the Legislative Council's resolution. The bill establishes the 10-member Legislative State of Emergency Advisory Group that would serve as a conduit between the executive and legislative branches of government, by consulting with the Governor on an emergency and then communicating with the rank-and-file members of the General Assembly with data and other information. HB 1123 would also create an economic stimulus fund in which discretionary federal stimulus dollars received by the state would be deposited. The Legislature would be responsible for appropriating the funding if lawmakers are in session. If lawmakers are not in session, state agencies could decide how to spend the funding, but the decisions would be subject to review by the State Budget Committee. Any stimulus money received before April 29, 2021, would not be affected by the change.

STATE LEGISLATIVE UPDATE

April 9, 2021

- House Bill 1002, which is another piece of legislation dealing with COVID-19 liability protections, was approved by the Senate 41-9. The original bill from the House granted health care providers protections against professional discipline or civil action for certain actions arising from COVID-19 or during a disaster emergency. The bill was amended adding certified emergency medical responders to the list of health care workers who are protected from civil liability as long as their actions did not constitute gross negligence. The overall bill protects health care providers from professional discipline for certain acts or omissions arising from a disaster emergency unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. The bill also provides that a health care provider is not protected from professional discipline for actions that are outside the skills, education, and training of the health care provider, unless certain circumstances apply. HB 1002 now heads back over to the House for concurrence or dissent with the changes made in the Senate.
- House Bill 1437, which deals with the ability of local governments being able to continue utilizing virtual platforms to conduct official business and which also contains specific language that allows IMPA to do this should an emergency or disaster be declared by a Governor in the future, has passed both the House and Senate. The House voted to concur with the changes made to the bill in the Senate, and the bill is now headed to the Governor for his signature into law.
- Last week, the Indiana Senate Utilities significantly changed House Bill 1381, which deals with renewable energy development siting standards. The House version of this legislation mandated uniform state standards for wind and solar development projects throughout Indiana. A committee amendment that was adopted into HB 1381 changed the legislation's approach from mandating the process for local governments to abide by to a voluntary effort to incentivize local participation. While the House passed version gave locals some say in the decisions concerning these types of projects, it was not complete authority. The amended bill gives counties the option of keeping already approved and more strict ordinances or they can adopt renewable energy districts, or REDs, which would designate certain areas for development and follow certain state set standards. Proponents of the amended bill say that it would allow counties that have adopted more restrictive ordinances to keep those ordinances, but they could instead adopt this framework and work with renewable developers to make sure an area is functional and would benefit the community. The bill contains language to incent local participation. It allows a local unit that meets certain conditions to impose a one-time construction fee for each wind or solar power device included in a wind or solar project application filed after June 30, 2021. This would be payable by the renewable project owner. A construction fee may not exceed \$3,000/megawatt of installed wind capacity and \$1,000/megawatt of installed solar capacity, and the local unit imposing the fee may allocate a percentage of the fee for the benefit of residents and businesses, or for other use, within the project's footprint or within the RED. Before the deadline next week, the full Senate will consider this bill.
- With 1 1/2 weeks left in the 2021 legislative session, and with the adjournment date moved up a week, the conference committee process will be shorter than usual. Even though this has been anything but a usual session, there is still plenty of time to finalize legislation. We will continue to monitor any and all remaining legislation for any impact on IMPA and our municipal electric members.
- Please see this week's Tracking List for further information on these and many other bills of interest.