

2021 INDIANA GENERAL ASSEMBLY WEEK 8

SESSION INFORMATION

- The Indiana General Assembly concluded the first half of the 2021 “long” legislative session this week. 1,031 bills (602 House bills, 410 Senate bills, 19 Joint Resolutions) were introduced this year. At the half-way point, 696 of those died - 453 House bills, 243 Senate bills, and all 19 joint resolutions - as the General Assembly concluded its business on Tuesday this week. In other words, 316 pieces of legislation remain alive and eligible for consideration when the legislature reconvenes for the second half of the session next week. It is important to remember that while legislation that did not pass either chamber is typically considered dead for the session, language can be resurrected and inserted (amended) into other bills during the second half.
- After a few days off to allow for the transfer of bills between chambers, legislators will return to the State House and hit the ground running on Monday March 1st to begin the second half of session. The following weeks will be fast paced. Here is a quick look at projected deadlines for legislative action in the second chamber:
 - House consideration of Senate Bills:
 - Committee Report Deadline - Tuesday, April 13th
 - 2nd Reading Deadline - Thursday, April 15th
 - 3rd Reading Deadline - Monday, April 19th
 - Senate consideration of House Bills:
 - Committee Report Deadline - Thursday, April 15th
 - 2nd Reading Deadline - Monday, April 19th
 - 3rd Reading Deadline - Tuesday, April 20th
- Following these deadlines will be the start of the conference committee process, where members from both chambers will come together to work out compromises on bills that have been changed in the second house.
- The regular session adjournment Sine Die date is Thursday April 29th by statute.

GENERAL LEGISLATIVE INTEREST

- The focus thus far of the 2021 session has been on passing a new two-year state budget, limiting the Governor’s emergency powers, placing limits on local control in many circumstances, addressing several energy-related issues, and increasing accountability of law enforcement and enacting criminal justice reform.
- The \$36.3 billion biennial state budget, House Bill 1001, passed out of the House this week along mostly party lines as expected, 65-30. The budget, which would take effect in July and still needs Senate approval, would make a handful of one-time investments in small businesses, regional projects, student learning loss, health initiatives, broadband and police training, and it would significantly increase funding for the private school voucher program. HB 1001 includes \$150 million for a learning loss grant program, \$30 million for a small business grant program, \$50 million for a health grant program and \$150 million for the regional collaboration program that Governor Eric Holcomb discussed during his State of the State address earlier this year. It also includes \$70 million to pay for upgrades at the Indiana Law Enforcement Academy in Plainfield and \$250 million to expand broadband internet access through the Next Level Broadband Grant Program. HB 1001 increases K-12 funding by 1.25% during the first year and 2.5% in the second year, for a total of \$378 million in new dollars over the biennium. Approximately one-third of that increase would be directed toward expanding the state’s school voucher program, which uses public dollars to pay private school tuition. After the Senate works on HB 1001, it will go to a conference committee of House and Senate members in late April to finalize the budget.

- Loosening Indiana's gun owner permitting regulations is the goal of House Bill 1369. The House of Representatives voted 65-31, largely along party lines, to repeal the law that requires a person to obtain a license to carry a handgun in Indiana. It specifies that certain people who are not otherwise prohibited from carrying or possessing a handgun are not required to obtain or possess a license or permit to carry it in Indiana. The bill does provide for reciprocity with other states by allowing an Indiana resident who wishes to carry a firearm in another state to obtain a reciprocity license from the State Police. HB 1369 also stipulates that a database of information must be created that will allow state police, and other law enforcement, to be able to screen and identify in real time dangerous individuals who should NOT be legally allowed to carry a firearm. The implementation date for the legislation was delayed until March 2022 to allow time for that database to be created. This is controversial legislation because of the need to create the database and also the loss of revenue from licensing fees. The bill now goes to the Senate for further consideration.
- Senate Bill 373 amends the law concerning the President Benjamin Harrison Conservation Trust (PBHCT) Program to give that program additional powers relating to the reduction of carbon footprints. It authorizes the program to receive money from persons wishing to invest in actions that will result in carbon sequestration, deposit the money in an account called the INpact Forest Carbon Account, use money in the account to purchase property that will generate carbon offsets and make grants to land trusts or other entities that will purchase property to generate carbon offsets, and sell or facilitate the sale of carbon offsets. The bill also amends the law concerning the Clean Water Indiana Program to create a new account called the INpact Farmland Carbon Account and to give the Lieutenant Governor powers relating to the reduction of carbon footprints. SB 373 passed the Senate 33-16 but faces an uncertain future in the other chamber.
- The Governor's authority to declare disaster emergencies would be restricted under Senate Bill 407, which was approved by the Senate this week, 38-8. SB 407 is now one of two measures moving in the General Assembly this legislative session in reaction to the Executive Orders issued by Governor Holcomb during the COVID-19 pandemic. This bill would basically put a 60-day limit on an emergency order issued by the Governor unless the General Assembly weighs in. The Governor would be able to issue an initial 30-day emergency order, but could extend it for only 15 days, unless the legislature was either already in session or called into session by the Governor. If the legislature is in or is called back into session, then the initial order could be extended for 30 days. The General Assembly would have to vote to extend an order beyond that 60-day period. The new restrictions would only apply if and when the Governor's emergency order affected 10 or more counties within a 180-day period. The bill would apply to executive orders issued after March 1, 2021. SB 407 also calls for the General Assembly to appropriate federal economic stimulus funds when in session and the state Budget Committee would review the funds when the legislature was not in session. House Bill 1123 is very different from the Senate bill and has already been approved by the House of Representatives. That measure creates a new "emergency session" whereby the legislature could call itself back into session to consider emergency orders.
- Senate Bill 353 prohibits the Indiana Election Commission from instituting, increasing, or expanding vote by mail or absentee vote by mail and changing the time, place, or manner of holding an election. Amid the outbreak of the COVID-19 pandemic in March 2020, Governor Holcomb issued an executive order changing the date of the 2020 Primary election from May 5th to June 2nd and allowed "no-excuse" absentee voting. The Indiana Election Commission voted to make the change as well, although this practice was not allowed in the fall General election. SB 353 provides that only the General Assembly can set the "time, place or manner" of an election and the Governor has no power "to institute, increase, or expand vote by mail or absentee vote by mail," limiting that authority to the Indiana General Assembly, as well. The Senate approved SB 353 by a vote of 34-15 and the measure now moves to the House of Representatives for consideration.
- During the second half of the session, we will continue to be involved in legislation reported on previously that impacts the electric utility industry. Both the House and Senate jurisdictional utilities committees will meet over the coming weeks to consider the legislation approved by the other chamber.
- Our tracking list of legislation has been pared down significantly as the dead bills have been removed. This is when the fun starts and we will keep an eye out for any amendments or other language that could have an impact on IMPA or municipal electric utilities generally.